HR CORNER

FEES & BURGESS, P.C.

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CONTINUATION OF THE OBAMA ADMINISTRATION UNION AGENDA

The tens of millions of dollars spent by organized labor in support of President Obama's 2008 presidential campaign continues to pay off for the approximately 11.9% of the U.S. workforce that bankrolls those contributions by paying union dues. In addition to the many pro-union Executive Orders implemented days after taking power, the president and this administration have initiated, supported, and endorsed significant and unprecedented legislation and policies to favor organized labor. Although the shift in the Senate eliminating the Democratic "super-majority" in that body stalled out some significant pro-union legislation, including the "Employee Free Choice Act" (or Employee "Forced" Choice Act, as some would call it), the beat goes on.

Last month, the National Labor Relations Board, in support of the International Association of Machinists and Aerospace Workers (IAM), charged The Boeing Company, the largest value exporter in the United Sates, with an unfair labor practice under the National Labor Relations Act. This complaint was filed by the IAM as a result of Boeing's decision to complement its production capacity in Washington state with a new assembly plant in South Carolina, to build the 787 Dreamliner passenger aircraft.

The IAM claims that the opening of this plant in South Carolina was in retaliation for previous strikes and work stoppages at the Washington facility. However, Boeing officials indicated that not one job created in South Carolina had come at the expense of the Washington facility, and not a single union member had been adversely affected. In fact, employment at the Washington facility increased 2,000 workers since the decision was made to expand into South Carolina to augment Boeing's capacity to assemble the 787. The timing of the complaint was also curious as it comes 17 months after the company announced plans to expand its manufacturing capacity into South Carolina. In fact, construction is nearly complete, and the company has already hired 1,000 new workers. This complaint by the IAM and the NLRB has no NLRB or Supreme Court precedent, according to the general counsel of Boeing.

This is yet another example of the extreme positions taken and endorsed by this administration, regarding its support for organized labor.

The Boeing move into South Carolina is a continuation of the exodus of manufacturers in many industries, including the automobile industry, into the South, taking advantage of the "right to work" laws, which favor merit shops and prevent "closed" union shops. The fact is that union membership drives dues collection, the basis of union revenue, and unions need significant additional revenue to continue their support of candidates that the unions endorse with such generous campaign contributions. In order to survive, unions must continue to seek members where the workers are, and in manufacturing and other sectors, those jobs are increasingly in the South.

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CONTINUATION OF THE OBAMA ADMINISTRATION UNION AGENDA, *continued*

Union-free and merit-shop employers must continue to be vigilant to do business in a way that makes their business and their workforce disinterested in third-party representation and to be ready to address any potential challenge. For more information on union avoidance and supervisory training on this important issue, or other enhanced areas of enforcement by the Department of Labor, please contact us.

FEES & BURGESS, P.C. - Calendar of Events

Fees & Burgess, P.C., is proud to present, and participate in the presentation of, the following upcoming seminars:

96th Annual International Supply Management Conference and Educational Exhibit
May 15 - May 18, 2011; 3:15 p.m. - 4:15 p.m.; Orlando, Florida

Contracting for the Purchase and Sale of Goods in a Risky Global Market
Jeffrey Roth and Allen Anderson of Fees & Burgess, P.C., will be presenting a course titled "Contracting for the Purchase and Sale of Goods in a Risky Global Market." Contracts are a first and last line of risk management, because they both define the responsibilities of the parties in the first instance and further define the performance of the parties in the last instance. Accordingly, ISM members must be versed in identifying their areas of risk in a supply chain relationship, and once identified, must know how to account for those risks in their contract terms.

This risk identification and management session is aimed at supply chain staff of all levels, and in a wide range of disciplines, including engineering, design, project management, production, sales, manufacturing, and purchasing and procurement.

2011 NCMA World Congress
July 10 – July 13, 2011; Denver, Colorado

Certified Commercial Contracts Manager (CCCM) Training
This four-part series, presented by Jeffrey Roth and Allen Anderson of Fees & Burgess, P.C., provides a practical introduction to the foundations of domestic commercial contracting. These sessions will feature discussion of risk management in several areas key to those buying or selling under the Uniform Commercial Code (UCC), including formation of commercial agreements and determination of applicable contract terms; performance issues under those agreements or terms, including risk of loss and delivery, acceptance, repudiation, warranties, and disclaimers, and of course, disputes, remedies, and dispute resolution.

Use of the New Incoterms® 2010 in Domestic and International Transactions
This workshop, presented by Jeffrey Roth and Allen Anderson of Fees & Burgess, P.C., will help educate both buyers and sellers in the domestic and international arenas of changes found in the new and recently-released version of Incoterms® 2010, which became effective January 1, 2011.

Click here to register, or for more information on NCMA's 2011 World Congress.

If you would like more information on these, and other seminars, please visit us online at www.feesburgess.com.

EDUCATIONAL OPPORTUNITIES

During these rough economic times it is important to get the most for your money. The lawyers of Fees & Burgess, P.C., combined, have over forty years experience working in various fields, as both in-house and private counsel, representing a diverse clientele. Our attorneys have extensive experience in many areas of law, including employment law; intellectual property; supply chain management; mergers and acquisitions; contract negotiation; dispute resolution; and various other fields.

This wide field of knowledge provides our attorneys with the insight and know-how to be able to provide quality training on various topics. Our programs can be customized to fit any business need while keeping the costs of our training competitive, without sacrificing quality.

Topics that Fees & Burgess, P.C., can provide training on include, but are not limited to:

A Recession Era Guide to Collecting on Construction Contracts

Conducting Effective Workplace Investigations

Construction Contracting

Contingent Employees and Labor Outsourcing

Diversity Training

Elements of an Electrical Manufacturing Services Contract

Employment Law Survival Training for Managers

Family Medical Leave Act

Hiring and Firing

Immigration Compliance

Incoterms® 2010

Indemnity and Limitation of Liability Contract Clauses

International Contracting

Limiting Liability for Sexual Harassment

Managing Gender Identity Issues in the Workplace

Negotiation and Resolution of Federal Contract Claims

Privacy in the Workplace

Reducing Employee Benefits Costs for Alabama Businesses

Reducing Risk in Purchasing Terms and Conditions

Reduction in Workforce Strategies

Retaliation and Whistleblowers

Uniform Commercial Code: Primer to Articles 1, 2, and 2A

Violence in the Workplace

Wage and Hour Issues/Fair Labor Standards Act

Americans with Disabilities Act

Managing Employee Use of Internet and E-mail in the Workplace

Ethics, Business Conduct and Compliance in Government Contracting

For more information on these and other programs, please visit us online at www.feesburgess.com; contact us by e-mail at seminars@feesburgess.com; or by phone at (256) 536-0095.

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SPEAKERS

FEES & BURGESS, P.C., provides speakers, training programs, seminars, and webcasts for various trade associations; business groups; and clients. For information regarding a program, contact seminars@feesburgess.com.

NEWSLETTERS

FEES & BURGESS, P.C., also publishes *F&B Quarterly Bytes,* focusing on multiple practice areas; and *F&B SCM Memo,* focusing on the supply chain management industry. To receive any of these newsletters, please e-mail newsletters@feesburgess.com with your contact information.

To remove your name from our mailing list, please e-mail newsletters@feesburgess.com.

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