



RU a picketer?

It is an unfair labor practice ("ULP") for an employer "to interfere with, restrain, or coerce employees in the exercise of their right" to picket. Sometimes, however, the picketing activity may create dangers to public safety (e.g., traffic hazards). In *CSX Hotels, Inc. v. NLRB*, 2004 U.S. App. LEXIS 15391 (4th Cir. July 26, 2004), the Fourth Circuit explored whether and when an employer may seek the assistance of local law enforcement to address genuine concerns about safety hazards created by picketing activity.

Facts

CSX Hotels, Inc. operates the Greenbrier resort near White Sulphur Springs, West Virginia. It contracted with Lynch Construction to erect a maintenance facility on its property. The International Union of Operating Engineers, Local No. 132 ("Union"), determined that Lynch Construction was violating its agreement with the Greenbrier by hiring employees represented by a different labor union to work on the project. Accordingly, it decided to set up a picketing stand outside the Greenbrier.

The Union first picketed the Greenbrier's employee entrance, which abuts U.S. Highway 60—a major thor-

oughfare. Several of the picketers parked their cars along Highway 60 in an unauthorized zone. A Greenbrier security officer notified local police about the picketers. The police officer ordered the picketers to move their vehicles, which they did. He also warned them that an assembly permit might be required. The officer told them he would check at the police station whether such a permit was required at that particular location. The picketers, however, remained at the site. The general manager of the Greenbrier later approached the picketers and told them to move their picketing stand from the employee entrance to the entrance then being used by Lynch Construction (also abutting Highway 60). The picketers moved their operations to this entrance. Soon thereafter, three police officers returned to the picketing site and informed the Union members that they needed to obtain an assembly permit. The officers directed the picketers to leave the premises, which they did without incident.

The process for obtaining the requisite permit was time-consuming and further complicated by the fact that the police chief, who needed to approve the per-

mit request, was out of town. Frustrated by these delays and convinced that it had a First Amendment and statutory right to picket, the Union decided to resume picketing at the Lynch Construction entrance without a permit. As it happened, the police chief returned to work the morning the picketing resumed. After being notified of the picketing by Greenbrier employees, the police chief visited the scene. He determined that the picketing posed a traffic hazard. However, he was overruled by the city attorney, who had concluded that the picketing was lawful. Later that day, the Greenbrier's attorney faxed a letter to the city attorney requesting that he enforce the assembly permit requirement.



See page 2 for the rest of the story!

Who Said It?

"I never met-a-analysis that I didn't

"Man, I'm I/O Psycho!"

"That's the way I think about it. Then again, I make things up."

"It's your job to try to explain why people are different from each other."

"This is going to be the stupidest thing I've ever said. Old people are different from young people."

"I think my knees were connected once"

Upcoming Events:

- Oct 19th—Human Resources Managers Panel. Come prepared with questions to ask! Russell 108 @ 6:30
- Oct 21st—NRV SHRM meeting at the Hampton Inn in Christiansburg. 7:30 am.
- Oct 22nd—Tour of Chateau Morrisette and wine tasting on the Blue Ridge Parkway. More information is coming!
- Nov 16th— Discussion on unions @ 6:30.

Picketing Continued...

The city attorney demurred, citing the limited number of protesters and questions concerning whether the protest site even fell within city boundaries. Thus, the picketers were able to continue their protest.

The Fourth Circuit's Decision

The Union filed a ULP charge with the National Labor Relations Board ("NLRB"), claiming that the Greenbrier unlawfully interfered with its picketing rights under the National Labor Relations Act when it reported its traffic concerns to the police chief and when its attorney requested the city to enforce its permit requirement. An administrative law judge found in favor of the Union, and a divided panel of the NLRB affirmed.

On appeal, the Fourth Circuit refused to enforce the NLRB decision. It disagreed with the NLRB's conclusion that the

Greenbrier was not justified in contacting the police. Rather, it held that the record supported the resort's contention that the picketing created a potentially dangerous traffic condition. It noted the speed of passing vehicles, the proximity of picketers to those vehicles, the dangers caused by motorists attempting to read the signs displayed by the pickets, and other circumstances that presented traffic hazards.

In light of such facts, the Fourth Circuit concluded that the Greenbrier was justified in contacting the police to have them assess the situation. It held that the Greenbrier's action did not, therefore, constitute an unfair labor practice.

Bottom Line

Although this decision should reassure employers that they can—

without fear of § 8(a)(1) liability—seek police assistance where picketing creates a hazardous traffic condition, it is important not to read too much into this case. This does not change the general rule that an employer's exclusion of union representatives from public property violates § 8(a)(1) where the union is engaged in protected activity. Rather, it simply creates a limited exception to that rule where the employer genuinely believes that the protected activity creates a potentially dangerous traffic situation.

Brought to you by: Mark Jones (and the letter B)

**Interested in Unions?
Don't forget to come to the November 16th
meeting!**



Drew and Justin at the RU—Tech social night at BW3s.

You can see some more photos on the RU SHRM website!

RU Monica Lewinsky?

Attention Second Years:

Where did you intern? How did it go? What did you learn? Would you go there again? How did you find out about the organization?

As the first years begin to think about their internships, I would like for you to consider us. You now have insight to the process that is highly valuable.

If you could take the time out of your busy schedules and e-mail me at



arobbins@radford.edu, next month's issue will contain the advice and stories that you provide.

Tell us about your internship, how you found it, what you liked about it or didn't. Was it local or close to your hometown? If not, what did you do about a place to stay? Would you recommend it to others?

Thank you for your time!

Training Tips: from Adventure Associates, Inc

A common request from our clients is to address the topic of feedback. "How do we give constructive feedback to our colleagues?" "How do we give feedback to our bosses?" Equally important, we might add, is receiving feedback! Here are some helpful tips:

Guidelines for Giving Feedback:

- *Check to see if feedback is wanted.* Keep in mind that timing and location are crucial. "I have some feedback for you. Are you open hearing it?" (If no, respect the person's decision).
- *Be specific & don't judge or exaggerate.* Describe what you want to feed back without using words that indicate judgment. Don't use labels and don't exaggerate. Avoid loaded expressions such as "never" or "always."
- *Ask questions.* In addition to sharing your thoughts, ask the person their opinions. Allow the receiver to suggest changes in behavior before offering options yourself.

- *Perception check.* Ask question to see if your message has been accurately heard, remembering that the message sent is not always the message received. You may need to present the feedback differently.
- *Focus on your concern for the person.* Monitor your attachment to "being right" or for the person changing in ways that you think they should. Focus on behaviors that can be changed.

Guidelines for Receiving Feedback:

- *Breathe.* Remember you are a worthy person, separate from your actions and behaviors.
- *Listen carefully & drop your defensiveness.* Paraphrase the information you are receiving to make sure you understand the information. Ask questions for clarity.
- *Acknowledge the feedback.* Let the person know you have heard them and that you will consider their feedback.

- *Take time to sort out what you have heard.* Give yourself time and space to assimilate and evaluate the information. Remember that it's not necessary to agree or disagree with the feedback. It is simply information. Let go of the need to justify, defend, or explain your actions. Don't over-internalize the feedback (assume it's all true).
- *Be honest with yourself.* Use feedback as an opportunity to create greater awareness. Explore any feelings created by the feedback.

"Work is an adventure... be prepared!"

Adventure Associates, Inc is a consulting firm that specializes in corporate team building.

Check them out at
www.adventureassoc.com

RU SHRM

Got something you'd like to see in the next issue?

E-mail Ashley:
arobbins@radford.edu

Got a legal issue?
Hit up one of our legal boys,
Mark, Greg, or Leon.

Look for new issues
the on the 15th!

www.radford.edu/~shrm-web

The Society for Human Resource Management (SHRM) helps undergraduate and graduate students make the transition from the classroom to the business world. SHRM, a national human resource society, enables student members to gain access to an international network of business professionals, make human resources (HR) contacts who can help facilitate the job search, be exposed to the latest news, information and important developments in HR management, and enhance employment marketability.

Students are eligible to become members of SHRM if they are taking six credit hours in a degree-seeking program and have a demonstrated interest in the HR field. National SHRM student members receive subscriptions to *HR Magazine*, *HR News*, and *Echoes* student newsletter, access to the online member directory, free bibliographies on selected HR topics, and a special rate for their first year of professional membership after graduation. Qualified members may also apply various scholarships worth up to \$5,000. National SHRM membership costs \$35. For more information on becoming a student member of SHRM National visit www.shrm.org.

How old RU?

October Birthdays

24—Mark Jones

29—Erika Peterson

November Birthdays

5—Justin Rossini



Tired of textbooks?

Interested in a little extra-curricular reading outside of class?

Death by Meeting: A Leadership Fable by Patrick Lencioni

Creating Change When You're Stuck in Your Comfort Zone by Judith Sills, PhD

Five Dysfunctions of a Team by Patrick Lencioni

Getting Things Done by David Allen

The Accountability Revolution by Mark Samuel

"Nothing can stop the man with the right mental attitude from achieving his goal; nothing on earth can help the man with the wrong mental attitude."

W.W. Ziege