

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 88-45

June 2, 1988

TO: All Regional Directors, Officers-in-Charge
and Resident Officers

FROM: Joseph E. DeSio, Associate General Counsel

SUBJECT: Wearing of Union Insignia

As you know, the NLRB Union has distributed buttons to employees relating to the current collective bargaining negotiations. The wearing of these buttons has raised serious questions concerning their effect on the operations of this Agency and the rights of employees to express themselves concerning labor/management negotiations.

We recognize and are sensitive to the statutory right and the personal desire of employees to wear union insignia. However, the Federal Labor Relations Authority has concluded that agencies may place limitations on the wearing of union insignia where the agency's interest in accomplishing its mission outweighs the employee interest in wearing such insignia. In view of our responsibility for resolving labor/management disputes under the Act, it has always been of paramount importance for us to maintain and even to affirmatively demonstrate our absolute impartiality. This policy is enunciated in our casehandling manuals, in the code of conduct, in Board and Court decisions and in the training and guidance all Board agents directly and personally receive.

We are all aware that strong emotions can be generated by labor/management disputes. In the heat of these disputes, it is common for each side to question the good faith of the other or even of a neutral to the dispute. As neutrals we must avoid becoming identified in the public mind as partisans for either labor or management or we will lose the trust and confidence of all parties. Without that trust and confidence our ability to carry out effectively our statutory mission will be greatly diminished. Board agents who are wearing the NLRBU buttons while meeting with the public will be identified by many as union partisans at a time when members of the public should be insulated from the personal union views of Board employees. It is to avoid this situation, and the appearance of partiality which it creates, that limitations need to be placed on the wearing of these buttons.

Thus, while we recognize the important employee rights at issue, we nonetheless conclude that, in view of the Agency's statutory responsibilities, we must inform all field examiners, attorneys and bridge trainees that they may not display these NLRBU buttons

while they are meeting with the public. Similarly, clerical employees who conduct business with the public, such as those acting as receptionist, the election specialist or the compliance assistant, must not wear the NLRBU buttons on those occasions. However, employees may wear these buttons while otherwise occupied in the office, including when they are in the corridor not dealing with the public.

We believe the balance we have struck appropriately protects the Agency, while allowing our employees to communicate their views on important work place issues to other employees and to members of management. Of course, employees otherwise retain their right to communicate with the public concerning these matters when off duty and outside of the office.

So that our policy on the wearing of NLRBU buttons is uniformly administered, please contact your Assistant General Counsel should an employee refuse to follow the policy. In addition, please meet with your Local Union Representatives to advise them of the limitation on button wearing and then distribute this memorandum to all employees.

If you have any question about this memorandum please contact your Assistant General Counsel.

J. S. D.

cc: NLRBU