



THRUN
LAW FIRM, P.C.

U.S. MAIL ADDRESS
P.O. BOX 2575
EAST LANSING, MI 48826-2575
PHONE: (517) 484-3000
FAX: (517) 484-0041
FAX: (517) 484-0081

ALL OTHER SHIPPING
2909 WEST ROAD, SUITE 400
EAST LANSING, MI 48823-1391

DATE 11-17-08

TO: Ted Gardella - Holt

FAX#: 517 548-10229

FROM: Don Benato

RE: See attached. Please call. Don leaves at 3:30 today
He is gone tomorrow - in on Wed & Thursday.

NUMBER OF PAGES TO FOLLOW: 2

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White, Schneider, Young & Chiodini, PC
Attorneys at Law

Karen Bush Schneider
William F. Young
James J. Chiodini
Shirlee M. Bobryk
Jeffrey S. Donahue
Michael M. Shoudy

Timothy J. Dlugos
James T. Feeny
Dena M. Lampinen
Thomas K. Byerley

Of Counsel:
James A. White
Kathleen Corkin Boyle
Deborah G. Adams

November 12, 2008

Donald J. Bonato, Esq.
Thrun Law Firm, P.C.
2900 West Road, Suite 400
P.O. Box 2575
East Lansing, MI 48826

Re: Howell Education Association -and- Howell Public Schools
MEA Sequence No. RHL00243Z

Dear Mr. Bonato:

As you know, this law firm represents the Howell Education Association. I am writing regarding a concern that has been brought to my attention.

The Howell Education Association has a private password protected email forum which allows its members to communicate regarding union issues. On October 22, 2008, Howell Public Schools Board member Wendy Day posted an entry on her blog which purports to be "an email sent out by a teacher to other members of the HEA on their super-secret Yahoo group." It is unclear how Ms. Day obtained a copy of this email since, as she indicates, the aforementioned Yahoo group is private and restricted to use by HEA members.

In my view, Ms. Day's actions as a Board member and employer of the members of the HEA are problematic. As you know, under the Public Employment Relations Act, it is unlawful for an employer to restrain public employees in their right to engage in lawful concerted activities and other mutual aid and protection. Similarly, it is unlawful to intimidate or interfere with the administration of a labor organization. MCL 423.210(1)(a) and (b). In numerous decisions, the NLRB and the courts have found that employer monitoring of union activities constitutes an unfair labor practice. See, *Wallace Press, Inc*, 146 NLRB 1236 (1964); *Kingwood Mining Co*, 166 NLRB 957 (1967); *NLRB v Collins & Aikman Corp*, 146 F2d 454 (4th Cir, 1944); *Bethlehem Steel Co v NLRB*, 120 F2d 641 (DC Cir, 1941). The Board has found that even creating the impression of monitoring is intimidating, coercive, and unlawful. *Moore's Seafood Products, Inc*, 152 NLRB 683 (1965).



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On behalf of the HEA, I request that Ms. Day cease and desist from monitoring and publishing the private and protected activities of the HEA and its members. Further conduct in this regard may result in legal action.

Sincerely,

WHITE, SCHNEIDER, YOUNG
& CHIODINI, P.C.

Michael M. Shoudy
Direct Dial: 517/347-7211
E-mail: mshoudy@wsbyc.com

msm

cc Barbara Cameron
Richard H. Long, Esq.