

## Ashley Accused

Jessica Shawley

A hearing was held last week in the Trempealeau County Courthouse on allegations brought against Ashley Furniture by the National Labor Relations Board (NLRB).

The NLRB complaint alleged that Ashley interfered with the rights of its workers at the Arcadia plant by demanding they remain silent about procedures the company was implementing.

The turmoil began last year when the Department of Homeland Security (DHS) attempted to pass a measure that would make routine Social Security "No Match" letters evidence that an employer had "constructive knowledge" that workers are undocumented.

Under this rule, employers would have had to re-verify work authorization for all employees who had receive No Match letters. If this could not be done within 90 days, the employee was to be fired. If employers refused to follow these steps, they could have faced criminal charges in the event of an immigration audit.

This proposed rule, however, never made its way into existence, as labor and civil rights groups spoke out vehemently against the rule, convincing federal courts to block the procedures the DHS was hoping to implement.

They challenged the letters by showing the frequency of records mismatches in the Social Security database (there are an acknowledged 17.8 million errors in the SSA database, with most issues concerning a typographical error or name change on marriage or divorce).

They also noted that the No Match letters have historically been about protecting legal workers' abilities to claim contributions in the case of death, disability or retirement by fixing errors in the database; not about using the errors as a means of locating illegal immigrants.

The labor and civil rights groups argued that the new rule could threaten the jobs of many US workers with legal status, and the federal courts agreed, disallowing firings based on SS No Match letters.

Before the courts ruled on the issue, however, there was period of uncertainty wherein Ashley took action to comply with what they say they believed were the new DHS rules.

Allegedly, employees of the company who had No Match letters on file were called into one-on-one meetings with a Human Resources representative throughout the summer of 2007. They were threatened termination if they could not re-verify their work authorization and were, according to testimony given by Ashley employees at last week's hearing, given strict orders not to discuss the letters or the company's actions with anyone, including co-workers or spouses.

Although about dozens of Ashley employees were purportedly threatened, none were ever fired due to the No Match letters.

Shortly before their dismissal date, workers contacted the Milwaukee-based advocacy group, Voces de la Frontera, seeking information and support. After a series of letters were sent to Ashley regarding the matter, the company backed away from the firings in October of 2007. The NLRB went forward with their complaint, however, because of the company's "attempts to deny

the workers their legal right to communicate with one another over the issue.”

“Ashley was taking away a fundamental right by prohibiting workers from talking to each other,” said Christine Neumann-Ortiz, Executive Director of Voces de la Frontera. “That is an important right in any situation, but here you had a case of a company silencing workers over its implementation of a policy that itself was breaking the law.”

According to Dave Moore, Communications Coordinator for Voces de la Frontera, Ashley contended at the hearing that they were confused about the law and were only trying to comply with the new rules when they sought re-verification of work authorization.

Moore said that Ashley representatives also denied ever saying workers could not discuss the matter and insisted they merely advised against discussing it, citing concerns about the confidentiality of their workers’ personal information.

Ashley representatives would not comment on the hearing, but did release a short statement saying “Ashley appreciated the opportunity to appear before the National Labor Board on its own behalf and on behalf of its employees. As a general matter, Ashley wants to ensure that all of its employees have accurate information and that its employees understand that the employment policies are implemented with the intention of assisting and aiding every employee.”

A ruling in the case, which was heard by Administrative Law Judge James M. Kennedy, will likely not come until late this summer, possibly not until the end of the year.

According to their statement, “Ashley will await the decision and will thereafter determine if further action is warranted.”