



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

March 8, 2012

[REDACTED]
WEINBERG, ROGER & ROSENFELD
1001 MARINA VLG PKWY STE 200
ALAMEDA, CA 94501-6430

Re: KPFA Radio 94.1 FM
Case 32-CA-062325

Dear [REDACTED]

Your appeal from the Regional Director's refusal to issue complaint has been carefully considered. The appeal is denied substantially for the reasons in the Regional Director's letter of October 27, 2011.

With regard to the Employer's February 15 and March 1, 2011 emails regarding internal discussion of station matters on-air during the pledge drive, under the circumstances it was determined that protection of the "editorial control and the ability to shield that control from outside influences are within the First Amendment's zone of protection and therefore entitled to special consideration." See *Virginia Mason Hospital*, 357 NLRB No. 53, slip op. 6 (2011). Thus, the Employer's on-air policy is exempt from the normal requirements of mandatory bargaining prior to the Employer's unilateral implementation.

With respect to the emails' imposition limiting discussions concerning internal political disputes during the pledge drive period in the pledge-drive phone room, even assuming, *arguendo*, that the policy constitutes a significant change from the July 2010 policy adopted by the Employer or otherwise past practice, it was determined that it would not effectuate the purposes and policies of the National Labor Relations Act to proceed on this matter given the limited nature of the policy. Accordingly, further proceedings are unwarranted.

Sincerely,

Lafe E. Solomon
Acting General Counsel

By:

A handwritten signature in black ink that reads "Yvonne T. Dixon". The signature is written in a cursive, flowing style.

Yvonne T. Dixon, Director
Office of Appeals

cc: WILLIAM A. BAUDLER
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mjb