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## The National Labor Relations Board (NLRB) adopts contentious union election rule over objections by business groups

The National Labor Relations Board yesterday, Dec, 21, 2011, adopted a rule that will speed union-organizing elections in private-sector workplaces, scoring a win for unions that have long contended that scheduling a union vote often takes too long.

The election rule had been strongly opposed by the U.S. Chamber, NADA and other business groups. In recognition of that, House Republicans passed legislation earlier this year to void the regulation.

NLRB Chairman Mark Pearce, a Democrat, said the rule would give workers a right to vote in a union election in “a timely manner” and cut down on “needless litigation.”

But business groups denounced the rule as a transparent attempt by the NLRB to assist unions with flagging memberships. “This rule has no conceivable purpose but to make it easier for unions to win elections,” Randy Johnson of the U.S. Chamber, said in response.

The day before the NLRB announced its decision, the Chamber and the Coalition for a Democratic Workplace sued the NLRB in the U.S. District Court for the District of Columbia to challenge the union election rule.

Pleased with the result, union organizers said the NLRB made the right call in adopting the rule.

"It's good news that the NLRB has taken this modest, but important step to help ensure that workers who want to vote to form a union at their workplace get a fair opportunity to do so," AFL-CIO President Richard Trumka said in a statement.

The ruling split the members of the labor board. Brian Hayes, the NLRB's lone Republican, threatened to resign over the rule, which would have shut the board down, but later decided to

stay. On Nov. 30, 2011, Chairman Pearce and Board Member Craig Becker, a fellow Democrat, voted to move forward with the rule, while Hayes voted against moving forward.

Subsequently, the NLRB had an electronic vote, which was not public, to finalize the rule. Pearce and Becker voted to finalize the rule, but Hayes has yet to cast his vote, according to an NLRB spokeswoman.

Hayes can vote against finalizing the rule and publish a statement of dissent any time before the rule takes effect on April 30, 2012, according to the spokeswoman.

The NLRB had to move quickly to get the union election rule on the books because Becker's recess appointment ends at the close of this year. When he departs, it will bring the NLRB down from three members to two — not enough to form a quorum to issue rules and regulations.

The board did not finalize other portions of the rule that it proposed in June. Those provisions included setting a pre-election hearing seven days after a union election petition is filed and sharing workers' email addresses and personal phone numbers with union organizers. The NLRB says it still plans to consider those portions of the rule at a later date.

Last week, President Obama nominated two new members, Sharon Block and Richard Griffin, to the NLRB. Their nominations are not expected to move in the Senate, with all 47 GOP senators signed a letter to the president earlier this week requesting he not recess-appoint Block and Griffin to the NLRB.

## **GM's Mark Reuss to speak at award dinner honoring Roger Penske at The Washington Auto Show®**



Mark Reuss

Mark Reuss, president of GM North America, will join Keith Crain in presenting the 2012 Keith Crain/Automotive News Lifetime Achievement Award to Roger Penske at the 2012 Washington Auto Show.

"We're delighted to feature two of the automobile industry's most pivotal leaders at this annual award ceremony, along with a special showing of Roger Penske's legendary race cars," said Robert Fogarty, Sport Chevrolet/Honda and Chairman of the 2012 Washington Auto Show.

Penske is the chairman of Penske Corporation, a closely-held, diversified transportation services company, whose subsidiaries operate in a variety of industry segments, including retail automotive, truck leasing, transportation logistics, transportation component manufacturing and professional motorsports. Penske Corporation manages businesses that operate in more than 1,800 locations and employ more than 36,000 people worldwide.

Among those businesses are Penske Truck Leasing, which manages more than 200,000 vehicles and serves customers from more than 1,000 locations in North America, South America, Europe and Asia; and the retail automotive business with over 320 franchises in 17 states, Puerto Rico, the United Kingdom and Germany.

"For his ingenuity as an entrepreneur and his passion for speed and the art of design, Roger Penske is a visionary in the automotive industry," said Keith Crain, Chairman of Crain Communications and editor-in-chief of Automotive News.

In the early 1960s, Penske was named Driver of the Year by Sports Illustrated and The New York Times and his Penske Racing brand would become one of the most successful teams in the history of professional sports. Competing in a variety of disciplines, cars owned and prepared by Penske Racing have produced over 340 major race wins, including an unprecedented 15 Indianapolis 500 race victories, over 400 *pole positions* and 23 National Championships.

The Keith Crain/Automotive News Lifetime Achievement Award will be presented at a dinner following Public Policy Day at The 2012 Washington Auto Show, on January 26, 2012, where industry and government leaders will convene for key announcements, networking and the "Sneak Peek Reception."

For more details on the Penske Reception and Dinner and to register click [HERE](#), or contact Kristina Henry, kh@wanada.org.

## **VA Motor Vehicle Dealer Board to take on legality of vehicle purchase referrals by TrueCar at its January meeting**

**Other states, including Maryland, will investigate referrals as well**

The Virginia Motor Vehicle Dealer Board, which reviews new and used car dealer practices in the commonwealth, will be looking into the practice of vehicle purchase referrals to dealers with an eye toward unlicensed vehicle sales activities. TrueCar Inc., a California based business engaged in vehicle sale referrals with dealers in Virginia and other states, was notified by MVDB that the dealer board will be evaluating their business model as it has been operating in Virginia to determine if it violates the law. The meeting, to be held at the Department of Motor Vehicles in Richmond, is scheduled January 9, 2012. If TrueCar's business model is found to be violative of the law, MVDB says it will notify dealers across the state of their risk of being found out of compliance with vehicle sales laws for engaging in retail sales referrals resulting in enforcement actions.

Maryland, with similar prohibitions against vehicle sales by unlicensed sales agents is expected to initiate a similar investigation of vehicle referrals through the Motor Vehicle Administration. Other states are looking at vehicle sale referral activities the way Virginia is, given the exponential expansion of the practice over the Internet.

Correspondingly, certain automakers are reviewing the practice of referrals with their dealers concerned that such services could undermine manufacturer sales programs.

Irrespective of any government regulatory agency's interest and involvement in the business practices of contractors and service providers, or related automaker franchiser concerns, dealers are reminded that the antitrust laws absolutely prohibit concerted activity and agreements between competitors as to which service providers and contractors to engage or not engage.

## California wants an end to 3K oil changes

The California Department of Resources, Recycling, and Recovery says people waste 10 million of gallons of perfectly good motor oil a year by changing it at 3,000 mile intervals. It has just launched an information campaign called *Check Your Number* to inform car owners to wait before the 3000-mile fix and instead look at automaker recommendations.

“The 3000-mile oil change just says that the marketing campaign by quick-lube companies has been effective,” says Steve Mazor, the manager of the Auto Club of Southern California’s Automotive Research Center, in an interview with the Los Angeles Times. Mazor said those rules no longer apply as engine technology has changed dramatically.

Indeed, many automakers recommend changing oil between 7500 and 15,000 miles and many are instead relying on computers that factor in wear, temperature, and other operating conditions, to tell owners when to change oil.

Nationally, statistics show that 51 percent of drivers believe oil should be changed at 3,000 miles, or every three months. Only a third change oil later than 4,000 miles.

## ***In Memoriam – Brad Rock***

Brad Rock, stepson of Kindred-line member Corky Crovato, passed away today, December 22, 2011, in the early afternoon hours. No funeral arrangements have yet been made. WANADA will pass those along when they are announced.

The association extends its sincerest condolences to Corky and his family.

## Winter solstice today!

At 12:30 am, est, this morning, December 22, 2011, the winter solstice occurred, meaning the sun’s direct rays were trained on the southern Tropic of Capricorn, the furthest the sun gets from the Northern Hemisphere. So what?

Today is the shortest day of the year with sunrise at 7:23 am and sunset at 5:02 pm.

### **Song for the season.....**

People look east, the time is near of the crowning of the year!  
Make your house fair as you are able,  
Trim the hearth and set the table!  
People look east and sing today – Love, the guest, is on the way!

Besancon, A medieval French carol set to lyrics by Eleanor Forjen, 1928