

Matis, Jennifer A.

From: Flynn, Terence F.
Sent: Wednesday, August 10, 2011 9:35 AM
To: 'peter@schaumber.com'
Subject: RE: [REDACTED]

Sorry to hear that. We are slowly breaking down, Peter, despite our best efforts.

Ken's email is: [REDACTED]. Phone numbers: home is [REDACTED], and the cell number is [REDACTED].

Please give him my regards.

-----Original Message-----

From: peter@schaumber.com [mailto:peter@schaumber.com]
Sent: Wednesday, August 10, 2011 9:34 AM
To: Flynn, Terence F.
Subject: Re: Hoffman

Thanks. Good here but injured my back. Sciatica, very debilitating. Should have stopped when it happened but continued to work in the yard. Had an MRI yesterday.

Do you have numbers for Ken Lopatka? I have a conversation this afternoon with a GC of a local company that wants help to avoid unionization. I ordered Ken's book but it has not arrived. Just want to make sure I cover all issues with him.

Best,
Peter

-----Original Message-----

From: Terry Flynn
To: Peter Schaumber
Subject: [REDACTED] Case
Sent: Aug 10, 2011 7:07 AM

Finally issued. [REDACTED]

Deliberative

Attorney

Deliberative

the Chairman that she

Will be interesting to see how Issa's subpoena battle plays out.

Hope all is well.

Regards,

Terry

Unfair Labor Practices

NLRB Says No Back Pay for Undocumented

Even When Employer Knew of Illegal Status Undocumented workers whose rights were violated under federal labor law cannot obtain back pay even though their illegal immigrant status was known by their employer when they were hired, the National Labor Relations Board ruled Aug. 9 (Mezonos Maven Bakery Inc., 357 N.L.R.B. No. 47, 8/9/11).

A unanimous three-member panel of the NLRB, including Chairman Wilma B. Liebman, Mark Gaston Pearce, and Brian Hayes, denied back pay to seven illegal immigrants who worked for Mezonos Maven Bakery Inc. in Brooklyn, N.Y. The panel held that the U.S. Supreme Court's 5-4 decision in Hoffman Plastic Compounds Inc. v. NLRB, 535 U.S. 137, 169 LRRM 2769 (2002) (60 DLR AA-1, 3/28/02), "forecloses us from awarding backpay to undocumented workers" for violations of the National Labor Relations Act even when the employer, not the employees, violated the Immigration Reform and Control Act.

However, Liebman and Pearce issued a concurring opinion, agreeing that Hoffman Plastic precludes the board from awarding back pay, but stating that "if the issue were an open one, we would not hesitate to reject the respondent's backpay defense."

Sent from my Verizon Wireless BlackBerry