

Berry, David P.

From: Flynn, Terence F.
Sent: Thursday, September 15, 2011 11:12 AM
To: [REDACTED], Douglas; [REDACTED], Grant; [REDACTED] Robert F.; [REDACTED], James R.
Subject: FW: List
Attachments: MAJOR NLRB ACTION LIST.docx

Anyone see anything PCS overlooked?

From: Peter Schaumber [mailto:peter@schaumber.com]
Sent: Thursday, September 15, 2011 11:06 AM
To: Flynn, Terence F.
Subject: List

Does this look complete? Thanks.

peter@schaumber.com
202 669 9777 – c
202 363 2900 – t
540 364 6494 - VA

ROUGH DRAFT – 9-15 - 11

MAJOR ACTIONS/DECISIONS OF THE OBAMA NLRB

- AUGUST 27 2010 - INDEPENDENCE RESIDENCES – Board Limited the ability of the employer to engage in non-coercive opposition to unionization by giving partial effect to a New York state statute, clearly pre-empted by the National Labor Relations Act, that required state contractors to remain neutral during a union organizing campaign;
- AUGUST 27, 2010 - ELIASON & KURTH – Board increased the ability of unions to engage in coercive secondary boycotts often used to secure neutrality card-check agreements by changing nearly 60 years of board law on the meaning of picketing and finding that huge stationary banners claiming a neutral employer was involved in a labor dispute was not coercive or otherwise unlawful.
- DECEMBER 22, 1010 – SPECIALITY HEALTHCARE 1 - Board issued an unprecedented request for briefing sending shock-waves through the business community that it was considering authorizing the creation of micro-units that would dramatically increase the power of organize labor but threatens to balkanize the workplace to the detriment of workers and their employers and significantly increase employer costs.
- [DATE] UGL-UNICO 1 - Board issued another unprecedented request for briefing asking whether it should overturn long-standing Board law and bar workers from the right to file a petition to decertify their union when their workplace is sold and purchased by a successor employer.
- MARCH 25, 2011 – NEW YORK NEW YORK LLC – Board grants access rights to the common areas of a hotel-casino complex – not the property of the employer being targeted by the union - for union

activity (leafleting) against a tenant in the complex giving lip service to the hotel-casino owner's constitutional private property rights and totally ignoring board and Supreme Court precedent on alternative means for the protest activity.

- [DATE] DANA – Board reversed decades of board law and in the face of statutory language intended to protect employees' from coercion in exercising their right to vote for or against a union permitted a union to negotiate some collective bargaining agreement terms before the union has achieved majority status.
- APRIL 20, 2011 - BOEING COMPLAINT – AGC files complaint against The Boeing Company seeking to dictate to that company where it can produce its aircraft and to stop using its new 1 billion dollar new plant in South Carolina for the production of its 787 Dreamliner aircraft.
- MAY 6, 2011 - STATE LAW SUITS – AGC filed complaint against South Dakota and Arizona claiming their constitutional amendments to protect the secret ballot were pre-empted by the National Labor Relations Act. The same AGC refused to file a law suit against California for a state statute that made it unlawful for hiring of replacement workers during a strike despite the fact that it was clearly preempted by the National Labor Relations Act.
- MAY 26, 2011 – BRANDON MEDICAL CENTER – Board reversed an agency administrative law judge and found that the display of a huge inflatable RAT balloon (16 feet tall and 12 feet wide) near the main entrance to a neutral employer – an acute care hospital -- was not picketing or its functional equivalent departing from the clear Congressional mandate in the National Labor Relations Act aimed at preventing neutral employers from being coerced into participating in union engineered industrial strife.

- DECEMBER 22, 2010 – NOTICE OF PROPOSED NOTICE POSTING RULE Board issued a notice proposed rule-making soliciting comments on a rule that would require almost all the nation's private employers to post of notice of employee rights under the National Labor Relations Act crafted by the union-partisan majority on the Board.
- JUNE 22, 2011 - PROPOSED QUICKIE ELECTION RULE - proposed a rule to drastically shorten the time between a petition and an election that will limit, if not eliminate, employers' right to express their views on unionization to their employees and their employees right to hear those views and make an informed choice.
- AUGUST 30, 2011 - NOTICE-POSTING RULE – Board implemented a rule for which it had no statutory authority requiring nearly all the nation's private employers – over 6 million-- to post a detrimentally misleading one-sided partisan notice of employee rights under the National Labor Relations Act;
- AUGUST 26, 2011 - LAMONS GASKET COMPANY – after the Board's request for request for briefing failed to result in the discovery of any data or other evidence to support the reversal of Board law giving employees a limited the right to challenge their employer's voluntary recognition of a union by card check, the Board reversed the law anyway. This was despite the fact that the Board's own statistics showed that employees requested a secret ballot election in 10% of the cases and in 25% of the cased the recognized union was ousted.
- AUGUST 26, 2011 – UGL-UNICCO 2 – Board overturned long-standing Board law to bar unionized workers from filing a petition to decertify the union after their workplace is sold and purchased by a successor employer.
- AUGUST 26, 2011 - SPECIALITY HEALTHCARE 2 – authorized the creation of micro-units that threaten to balkanize the workplace with

a proliferation of units and which allow unions easy access to employers