

Microsoft Outlook

From: Martin, Andrew
Sent: Monday, April 11, 2011 10:24 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

[Legal eagles fly high at Crain's inaugural awards program, summit](#)

Crain's Detroit Business – 4/10/11 8:42 PM

Words matched: Lafe Solomon

Crain's Detroit Business and its partners in the inaugural General and In-House Counsel Awards will honor top legal minds and provide a forum for legal

*...trends in the automotive sector. Speakers for the event include: **Lafe Solomon**, acting general counsel for the National Labor Relations Board ;*

[Anna Aronova, Michael Berger - Weddings](#)

The New York Times – 4/8/11 9:52 PM

Words matched: National Labor Relations Board

Dr. Anna Aronova and Michael Brandon Berger were married Saturday evening at the North Ritz Club, a caterer in Syosset, N.Y. Cantor Sergei Schwartz

*...Island. The bridegroom is a lawyer in Brooklyn with the **National Labor Relations Board**, for which he investigates and litigates accusations of...*

[Kleiner and Weil on NLRA Remedies](#)

Workplace Prof Blog – 4/8/11 5:20 PM

Words matched: Labor Relations, NLRA, National Labor Relations Act

Morris Kleiner (Minnesota) and David Weil (Boston University) have posted on the NBER Working Paper site their piece, "Evaluating the Effectiveness

*Kleiner and Weil on **NLRA Remedies** Morris Kleiner (Minnesota) and David Weil (Boston University) have posted on the NBER Working Paper site their ...*

(Let me know if you would like a copy of this article -Andrew)

[Anti-union fight intensifies in S.C.](#)

TheSunNews – 4/10/11 7:47 AM

Words matched: National Labor Relations Board

Critics: Effort distracts from real issues

*...workers the right to secret ballots in union elections. The **National Labor Relations Board** has threatened to sue South Carolina, claiming the...*

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From: Solomon, Lafe E.
Sent: Wednesday, April 20, 2011 1:47 PM
To: Mattina, Celeste J.; Abruzzo, Jennifer; Kearney, Barry J.; Sophir, Jayme; Ahearn, Richard L.
Subject: FW: Machinist news release is out

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nlr-complaint-over-boeing-south-carolina-move>

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Microsoft Outlook

From: Martin, Andrew
Sent: Thursday, April 21, 2011 9:15 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

[Labor Board Says Boeing's South Carolina Plant Breaks Law](#)

The New York Times – 04/20/11 22:43 –

Words matched: Lafe Solomon

In what may be the strongest signal yet of the new pro-labor orientation of the National Labor Relations Board under President Obama, the agency filed a complaint Wednesday seeking to force Boeing to bring an airplane production line back to its unionized facilities in Washington State instead of moving it to a new plant in South Carolina. *...to discourage future strikes. The agency's acting general counsel, Lafe Solomon, said it was illegal for companies to take actions in retaliation...*

[Federal Airport Screeners Split Vote In Representation Election; Runoff Ahead](#)

A bargaining unit consisting of approximately 43,000 nonsupervisory federal airport screeners employed by the Transportation Security Administration is still up for grabs based on the initial results announced April 20 of a representation election conducted by the Federal Labor Relations Authority.

[Unions From Eight Countries Unite To Counter International Airline Alliance](#)

Airline unions from the United States and seven other countries April 20 announced they have formed a cooperative global organization aimed at protecting working conditions for tens of thousands of employees affected by international airline alliances.

[Court Allows Pilots Union to Depose PBGC Attorney in Fiduciary Breach Case](#)

The US Airline Pilots Association can depose a Pension Benefit Guaranty Corporation attorney who was tasked with investigating alleged breaches by the former trustees of US Airways Inc.'s pension plan, the U.S. District Court for the District of Columbia ruled April 19 (*US Airline Pilots Ass'n v. PBGC*, D.D.C., No. 1:09-cv-01675, 4/19/11).

[Court Upholds Law to Halt Bargaining Over Health at Massachusetts Transit Agency](#)

BOSTON—A Massachusetts state court April 13 rejected a union challenge to a two-year-old state law that eliminated collective bargaining over health care for nearly 6,300 union-represented workers employed by the Massachusetts Bay Transportation Authority (*Local 589 v. Massachusetts, Mass. Super. Ct., No. 09-3954-B*).

[New Hampshire Senate OKs Right-to-Work Bill Passed by House](#)

BOSTON—The New Hampshire Senate April 20 voted 16-8 to approve a House-passed bill (H.B. 474) that would implement a right-to-work law, effective Jan. 1, 2012.

NLRB Finds Subcontracting Pact Unlawful, Citing Limited Scope and Secondary Purpose

Acting on unfair labor practice charges that were filed against an International Brotherhood of Teamsters local in New England more than 10 years ago, the National Labor Relations Board April 19 decided that the union violated federal labor law by entering and enforcing an agreement that a highway construction contractor would not subcontract ready-mix concrete deliveries to two firms that did not have contracts with the union (Int'l Bhd. of Teamsters Local 251 (Material Sand & Stone ...

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Microsoft Outlook

From: Martin, Andrew
Sent: Friday, April 22, 2011 8:55 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

NLRB Complaint Challenges Boeing 'Transfer' Of Dreamliner Work to South Carolina Facility

The National Labor Relations Board's acting general counsel April 20 issued a complaint alleging that Boeing Co. illegally transferred some of its airliner production and related supply operations to South Carolina because Washington...

TSA Airport Screeners to Decide on Union During Four Weeks of Voting Ending June 21

A runoff election to determine the exclusive union representative for approximately 43,000 federal airport screeners is scheduled to be conducted over a four-week period ending June 21, with the votes tallied June 23, the two competing unions...

IAM Members at Ohio AK Steel Works Ratify Three-Year Contract Covering 1,700

Members of the International Association of Machinists employed at an AK Steel Corp. facility in Middletown, Ohio, April 19 voted to ratify a collective bargaining agreement covering some 1,700 workers that provides for wage increases and...

Central Park Restaurant Accused Of Mistreating Workers

NY1.com - Manhattan – 04/21/11 19:42 –

Words matched: National Labor Relations Board

Lawmakers and hundreds of union members rallied today outside a popular restaurant in Central Park. Workers at the iconic Boathouse Restaurant say the operator, Dean Poll, is engaging in illegal union-busting activity.

...Parks Commissioner Adrian Benepe to crack down on the restaurant. The **National Labor Relations Board** is holding a hearing on the workers' claims.

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From: Martin, Andrew
Sent: Monday, April 25, 2011 9:14 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

Eighth Circuit Backs NLRB in Two Cases Arising Out of Board's 2007 Delegations

The U.S. Court of Appeals for the Eighth Circuit held April 22 that the National Labor Relations Board acted properly when a three-member board panel reconsidered and decided a case in which the appellate court had previously refused to enforce...

Southern California UFCW Locals Vote to Authorize Strike Against Groceries

LOS ANGELES—All seven Southern California United Food and Commercial Workers locals representing some 70,000 area workers at Ralphs Grocery Co., Albertsons Inc., and Safeway Inc.'s Vons supermarkets voted "in excess..."

Oklahoma Legislature OKs Bill Repealing Law Requiring Cities to Recognize Unions

AUSTIN, Texas—A 2004 law requiring Oklahoma cities with populations of at least 35,000 to bargain collectively with municipal employees who want union representation would be repealed under legislation (H.B. 1593) passed by the...

Former ATU Headquarters Worker Files ULP Alleging Retaliation for Organizing Union Staff

A former communications department worker at the international office of the Amalgamated Transit Union April 12 filed an unfair labor practice charge with the National Labor Relations Board, alleging that the union and its newly elected...

[Daniel C. Austin, union president at DuPont plant \](#)

Buffalo News (NY) Author: N/A; Word Count: 207

4/22/11 BUFFALONWS D5 2011 WLNLR 7907741

Text: Daniel C. Austin, of Buffalo, president of his union at the E.I. du Pont de Nemours plant in the Town of Tonawanda, died Wednesday in the Center for ...

Labor Board Case Against Boeing Points to Fights to Come

Gainesville.com – 04/23/11 06:01 –

[2 other sources \(TheLedger.com, Daily Me\)](#)

Words matched: Lafe Solomon, Wilma Liebman

For businesses, it was the type of action they have feared from a National Labor Relations Board dominated by Democrats. For labor unions, it was the type of action they have hoped for.

*...kind of strikes the airplane maker had repeatedly faced in Washington ; **Lafe Solomon**, the labor board s acting general counsel, said the company...*

AP Has Tentative Labor Deal After 6 Mos of Talks

The New York Times – 04/22/11 18:57 –

Words matched: unfair labor practice

NEW YORK (AP) — The Associated Press has reached a tentative agreement on a labor contract that the news cooperative says would provide financial stability during a time of media upheaval.

*...agreement came after the union threatened to file allegations of **unfair labor practice** and management threatened to withdraw several proposals .*

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From: Martin, Andrew
Sent: Wednesday, April 27, 2011 8:35 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

Raynor Resigns From Positions of President Of Workers United, SEIU International VP

Amid internal charges of allegedly misappropriating union funds through misleading expense reports, Bruce Raynor, president of the Workers United affiliate of the Service Employees International Union and international executive vice...

AFA, IAM Compete to Represent Flight Attendants at United Continental

CHICAGO—Flight attendants at United Continental Holdings Inc. will choose a single union to represent them in collective bargaining under voting procedures authorized by the National Mediation Board April 26....

RNs Threaten Short Strikes Next Week At Five Hospitals, Primarily Over Staffing

Affiliates of National Nurses United in the last few days have notified five hospitals in four states that their members plan to engage in strikes ranging from one day to five days, during the week beginning May 1....

NLRB's Weekly Summary of Cases, Dated April 18-22, 2011

The answer to Boeing's labor dispute

Washington Post – 04/26/11 00:23 –

Words matched: Lafe Solomon

For high-stakes legal drama, it doesn't get much bigger than last week's filing by the National Labor Relations Board charging that Boeing's decision to open a big new production facility in union-phobic South Carolina was motivated by a desire to punish and intimidate the strike-prone union at its

*...based on the complaint filed by the International Association of Machinists . **Lafe Solomon**, the acting general counsel who made the decision, is...*

Lawmakers support Backus nurses' union right

Norwich Bulletin (AP) – 04/26/11 23:17 –

Words matched: National Labor Relations Act

Ten state legislators recently signed a letter calling for The William W. Backus Hospital's management to remain neutral as nurses decide on joining a union.

...open letter on the importance of neutrality, begins by quoting the **National Labor Relations Act** regarding the right to self-organize and bargain...

Ex-Labor Board Chairman: Union-Backed Case Against Boeing 'Unprecedented'

FoxNews.com – 04/26/11 00:09 –

Words matched: National Labor Relations Act

The former chairman of the National Labor Relations Board told FoxNews.com that a board attorney's bid to stop Boeing from opening a production line at a non-union site in South Carolina is "unprecedented" and could have serious implications for companies looking to expand.

*"A worker's right to strike is a fundamental right guaranteed by the **National Labor Relations Act**," Solomon said in a statement. "We also recognize..."*

Unionized BCBS Employees Locked Out

WNED NewsRoom – 04/26/11 17:10 –

Words matched: NLRB

BUFFALO (wned) - Unionized employees at Blue Cross/Blue Shield of WNY are on the outside looking in today. Nearly 400 members of Local 212 of the Office and Professional Employees International Union have been "locked out" of corporate offices on West Genesee St.

*...Cross/Blue Shield has filed two unfair labor practice charges with the **NLRB**. The union said it has numerous concerns including pay, job security,*

Bremerton Ambulance workers turn down union

Kitsap Sun (AP) – 04/26/11 15:13 –

Words matched: National Labor Relations Board

BREMERTON — Bremerton Ambulance workers, voting for a second time, have turned down the prospect of union representation. The vote was 23 to 15, according to Kim Doyle, Bremerton Ambulance executive director.

*...International Association of EMTs and Paramedics filed an objection with the **National Labor Relations Board**, and a second vote was held. Bremerton...*

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Subject: Legal News FYI

NMB Ruling Sets Stage for Ramp Workers At United Continental to Choose Single Union

The merged United and Continental airlines have sufficiently integrated their operations to form a single transportation system for representation purposes for fleet service workers, the National Mediation Board said April 28 (In re Application...

UNITE HERE Members OK Starwood Pacts With Hotels in Chicago, San Francisco

Members of UNITE HERE Local 1 in Chicago and Local 2 in San Francisco are working under a new contract with Starwood Hotels and Resorts Worldwide Inc. covering about 4,200 hotel employees, reached after 20 months of negotiations, spokeswomen...

Nine State Attorneys General Join in Protest Of Boeing Unfair Labor Practice Complaint

The attorneys general of nine states April 28 sent a letter to National Labor Relations Board Acting General Counsel Lafe E. Solomon asserting that his approval of an unfair labor practice complaint challenging Boeing Co.'s decision...

Indiana Governor Signs Bill Limiting Teachers' Collective Bargaining Rights

LANSING, Mich.—Indiana Gov. Mitch Daniels (R) April 20 signed legislation (S.B. 575) that curtails teachers' collective bargaining rights, sets limits on the number of teachers that may sit on decisionmaking committees, and...

Haley asks for stances on NLRB

Post and Courier (AP) – 04/28/11 19:23 –

Words matched: National Labor Relations Board, NLRB

COLUMBIA -- Gov. Nikki Haley said Wednesday she wants Republican presidential hopefuls, who will be debating in her state shortly, to address how they would deal with unions and a complaint filed by the National Labor Relations Board.

Haley asks for stances on NLRB COLUMBIA -- Gov. Nikki Haley said Wednesday she wants Republican presidential hopefuls, who will be debating in...

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From: Martin, Andrew
Sent: Wednesday, May 04, 2011 8:21 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

GM Workers in Ohio Sue Company, UAW, Seeking \$3 Million for Misclassification

CINCINNATI—Twenty-eight employees of the General Motors Lordstown, Ohio, assembly complex April 30 sued the automaker and the United Auto Workers, seeking more than \$3 million in compensation for alleged contract violations they...

Republican Senators Plan to Introduce Bill to Protect State Right-to-Work Laws

Two Republican senators intend to introduce May 4 legislation called the Right to Work Protection Act, which aims to strengthen existing protections in the National Labor Relations Act of state right-to-work laws to ensure that state laws...

USW Members Ratify Master Agreement With International Paper for 6,000 Workers

United Steelworkers members have ratified by a 76 percent majority a four-year master agreement with International Paper Co. covering some 6,000 workers at 15 U.S. manufacturing facilities, the union announced May 3....

GOP Senators Blast NLRB Boeing Complaint, Call for Acting General Counsel's Explanation

Ten Republican senators told National Labor Relations Board Acting General Counsel Lafe E. Solomon May 3 that they "strongly disagree" with his decision to issue an unfair labor practice complaint alleging that Boeing Co. illegally...

NLRB Rejects Union Suggestion for Change Of Policy Favoring Vote on Employer Premises

The National Labor Relations Board April 29 rejected suggestions from the Service Employees International Union and an SEIU local that the board revisit its long-standing presumption that representation elections should be conducted...

Number of NLRB Elections Held in 2010 Increased Substantially From Previous Year

The number of resolved representation elections conducted by the National Labor Relations Board in 2010 increased substantially from the previous year, according to NLRB data analyzed by BNA PLUS, BNA's research division....

Many Pro-Employee Bills Expected To Stall in Face of Republican Opposition

Various pieces of legislation aimed at strengthening employee rights are not expected to advance in Congress this year as Republican lawmakers maintain firm control over the House and Democratic lawmakers cling to the majority in the Senate,...

General nurses accept new deal

Times Leader – 05/04/11 07:15 –

Words matched: National Labor Relations Board

After two years with no pact, agreement is forged with Community Health Systems.

...took over, the union has filed a number of complaints with the **National Labor Relations Board**, accusing the hospital of bargaining in bad faith .

GOP senators respond to NLRB's Boeing decision

The Hill – 05/03/11 23:26 –

Words matched: National Labor Relations Board, NLRB

A pair of prominent Republican senators is firing back against a couple recent National Labor Relations Board decisions. Sens. Lamar Alexander of Tennessee and Lindsey Graham of South Carolina plan to introduce legislation this week that would strengthen the protection of right-to-work laws, which

*GOP senators respond to **NLRB's** Boeing decision A pair of prominent Republican senators is firing back against a couple recent **National Labor**...*

The law: the Obama administration's evolving approach to the signing statement.

LexisNexis – 05/04/11 06:12 –

Words matched: National Labor Relations Board, NLRB

Garvey, Todd The presidential signing statement became a household term during the latter half of George W. Bush's presidency. In fact, for many, President Bush's use of the interpretive device embodies the robust view of executive power that has become the legacy of that administration.

*(16) This binding nature was reflected in the position of the **National Labor Relations Board (NLRB)** before the Supreme Court in **New Process Steel**...*

Andrew Martin
Librarian (Law)
National Labor Relations Board
1099 14th Street NW
Suite 800
Washington, DC 20570
(202) 273-3724
(202) 273-2906 fax
andrew.martin@nrlb.gov

Microsoft Outlook

From: Farrell, Ellen
Sent: Wednesday, May 18, 2011 10:27 AM
To: Abruzzo, Jennifer
Subject: FW: Boeing Complaint
Attachments: CPT.19-CA-032431.Boeing 4-20-2011 Complaint and Not Hrg.pdf

Per your request

Ellen

Ellen Farrell
Deputy Associate General Counsel
Division of Advice, NLRB
202-273-3810
Ellen.Farrell@nlrb.gov

From: Ahearn, Richard L.
Sent: Wednesday, April 20, 2011 12:04 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen
Subject: Boeing Complaint

Signed and sent to the attorneys for Boeing and the IAM.
Rich

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

THE BOEING COMPANY

and

Case 19-CA-32431

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS
DISTRICT LODGE 751, affiliated with
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS

COMPLAINT AND NOTICE OF HEARING

International Association of Machinists and Aerospace Workers District Lodge No. 751 ("Local 751" or the "Union"), affiliated with International Association of Machinists and Aerospace Workers ("IAM"), has charged in Case 19-CA-32431 that The Boeing Company ("Respondent" or "Boeing"), has been engaging in unfair labor practices as set forth in the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*

Based thereon, the Acting General Counsel of the National Labor Relations Board (the "Board"), by the undersigned, pursuant to § 10(b) of the Act and § 102.15 of the Board's Rules and Regulations, issues this Complaint and Notice of Hearing and alleges as follows:

1.

The Charge was filed by the Union on March 26, 2010, and was served on Respondent by regular mail on or about March 29, 2010.

2.

(a) Respondent, a State of Delaware corporation with its headquarters in Chicago, Illinois, manufactures and produces military and commercial aircraft at various facilities throughout the United States, including in Everett, Washington (the "facility"), and others in the Seattle, Washington, and Portland, Oregon, metropolitan areas.

(b) Respondent, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of \$500,000.

(c) Respondent, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), both sold and shipped from, and purchased and received at, the facility goods valued in excess of \$50,000 directly to and from points outside the State of Washington.

(d) Respondent has been at all material times an employer engaged in commerce within the meaning of §§ 2(2), (6) and (7) of the Act.

3.

The Union is, and has been at all material times, a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times the following individuals held the positions set forth opposite their respective names and have been supervisors within the meaning of

§ 2(11) of the Act, and/or agents within the meaning of § 2(13) of the Act, acting on behalf of Respondent:

Jim Albaugh	—	Executive Vice President, Boeing; President and CEO of Integrated Defense Systems (until late August 2009); CEO, Boeing Commercial Airplanes (as of late August 2009)
Scott Carson	—	Executive Vice President, Boeing; CEO, Boeing Commercial Airplanes (until late August 2009)
Ray Conner	—	Vice President and General Manager of Supply Chain Management and Operations, Boeing Commercial Airplanes
Scott Fancher	—	Vice President and General Manager of the 787 Program
Fred Kiga	—	Vice President, Government and Community Relations
Doug Kight	—	Vice President, Human Resources, Boeing Commercial Airplanes
Jim McNerney	—	President, Chairman, and CEO
Jim Proulx	—	Boeing spokesman
Pat Shanahan	—	Vice President and General Manager of Airplane Programs
Gene Woloshyn	—	Vice President, Employee Relations

5.

(a) Those employees of Respondent enumerated in Section 1.1(a) of the collective bargaining agreement described below in paragraph 5(c), including, *inter alia*, all production and maintenance employees in Washington State, constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act (the “Puget Sound Unit”).

(b) Those employees of Respondent enumerated in Section 1.1(c) of the collective bargaining agreement described below in paragraph 5(c), including, *inter*

alia, all production and maintenance employees in the Portland, Oregon area, constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act (the "Portland Unit").

(c) Since at least 1975 and at all material times, the IAM has been the designated exclusive collective bargaining representative of the Puget Sound Unit and the Portland Unit (collectively, the "Unit") and recognized as such representative by Respondent. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from November 2, 2008, to September 8, 2012.

(d) Since 1975, during the course of the parties' collective-bargaining relationship, the IAM engaged in strikes in 1977, 1989, 1995, 2005, and 2008.

6.

On or about the dates and by the manner noted below, Respondent made coercive statements to its employees that it would remove or had removed work from the Unit because employees had struck and Respondent threatened or impliedly threatened that the Unit would lose additional work in the event of future strikes:

(a) October 21, 2009, by McNerney in a quarterly earnings conference call that was posted on Boeing's intranet website for all employees and reported in the Seattle Post Intelligencer Aerospace News and quoted in the Seattle Times, made an extended statement regarding "diversifying [Respondent's] labor pool and labor relationship," and moving the 787 Dreamliner work to South Carolina due to "strikes happening every three to four years in Puget Sound."

(b) October 28, 2009, based on its October 28, 2009, memorandum entitled "787 Second Line, Questions and Answers for Managers," informed employees, among other things, that its decision to locate the second 787 Dreamliner line in South Carolina was made in order to reduce Respondent's vulnerability to delivery disruptions caused by work stoppages.

(c) December 7, 2009, by Conner and Proulx in an article appearing in the Seattle Times, attributed Respondent's 787 Dreamliner production decision to use a "dual-sourcing" system and to contract with separate suppliers for the South Carolina line to past Unit strikes.

(d) December 8, 2009, by Conner in an article appearing in the Puget Sound Business Journal, attributed Respondent's 787 Dreamliner production decision to use a "dual-sourcing" system and to contract with separate suppliers for the South Carolina line to past Unit strikes.

(e) March 2, 2010, by Albaugh in a video-taped interview with a Seattle Times reporter, stated that Respondent decided to locate its 787 Dreamliner second line in South Carolina because of past Unit strikes, and threatened the loss of future Unit work opportunities because of such strikes.

7.

(a) In or about October 2009, on a date better known to Respondent, but no later than October 28, 2009, Respondent decided to transfer its second 787 Dreamliner production line of 3 planes per month from the Unit to its non-union site in North Charleston, South Carolina.

(b) Respondent engaged in the conduct described above in paragraph 7(a) because the Unit employees assisted and/or supported the Union by, *inter alia*, engaging in the protected, concerted activity of lawful strikes and to discourage these and/or other employees from engaging in these or other union and/or protected, concerted activities.

(c) Respondent's conduct described above in paragraph 7(a), combined with the conduct described above in paragraph 6, is also inherently destructive of the rights guaranteed employees by § 7 of the Act.

8.

(a) In or about October 2009, on a date better known to Respondent, but no later than December 3, 2009, Respondent decided to transfer a sourcing supply program for its 787 Dreamliner production line from the Unit to its non-union facility in North Charleston, South Carolina, or to subcontractors.

(b) Respondent engaged in the conduct described above in paragraph 8(a) because the Unit employees assisted and/or supported the Union by, *inter alia*, engaging in the protected, concerted activity of lawful strikes and to discourage these and/or other employees from engaging in these or other union and/or protected, concerted activities.

(c) Respondent's conduct described above in paragraph 8(a), combined with the conduct described above in paragraphs 6 and 7(a), is also inherently destructive of the rights guaranteed employees by § 7 of the Act.

9.

By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

10.

By the conduct described above in paragraphs 7 and 8, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of §§ 8(a)(3) and (1) of the Act.

11.

By the conduct described above in paragraphs 6 through 10, Respondent has engaged in unfair labor practices affecting commerce within the meaning of §§ 2(6) and (7) of the Act.

12.

As part of the remedy for the unfair labor practices alleged herein, the Acting General Counsel seeks an Order requiring either that one of the high level officials of Respondent alleged to have committed the violations enumerated above in paragraph 6 read, or that a designated Board agent read in the presence of a high level Boeing official, any notice that issues in this matter, and requiring Respondent to broadcast such reading on Respondent's intranet to all employees.

13.

(a) As part of the remedy for the unfair labor practices alleged above in paragraphs 7 and 8, the Acting General Counsel seeks an Order requiring Respondent

to have the Unit operate its second line of 787 Dreamliner aircraft assembly production in the State of Washington, utilizing supply lines maintained by the Unit in the Seattle, Washington, and Portland, Oregon, area facilities.

(b) Other than as set forth in paragraph 13(a) above, the relief requested by the Acting General Counsel does not seek to prohibit Respondent from making non-discriminatory decisions with respect to where work will be performed, including non-discriminatory decisions with respect to work at its North Charleston, South Carolina, facility.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to this Complaint. The answer must be **received by this office on or before May 4, 2011, or postmarked on or before May 3, 2011.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at **www.nlr.gov**, click on ***File Case Documents***, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due

date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of § 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in this Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the **14th day of June, 2011, at 9:00 a.m.**, in **James C. Sand Hearing Room, 2966 Jackson Federal Building, 915 Second Avenue, Seattle, Washington**, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in

this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Seattle, Washington, this 20th day of April, 2011.

A handwritten signature in cursive script, reading "Richard L. Ahearn", written in black ink. The signature is positioned above a horizontal line.

Richard L. Ahearn, Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Microsoft Outlook

From: Abruzzo, Jennifer
Sent: Wednesday, May 18, 2011 11:24 AM
To: Farrell, Ellen
Subject: RE: Boeing Complaint

Thanks so much Ellen for the copy and for your insights. I think that the final draft came out very well. Unfortunately, I think we're going to be dealing with more of these in the days to come. Again, I apologize for interrupting your meeting.

From: Farrell, Ellen
Sent: Wednesday, May 18, 2011 10:27 AM
To: Abruzzo, Jennifer
Subject: FW: Boeing Complaint

Per your request

Ellen

Ellen Farrell
Deputy Associate General Counsel
Division of Advice, NLRB
202-273-3810
Ellen.Farrell@nrlb.gov

From: Ahearn, Richard L.
Sent: Wednesday, April 20, 2011 12:04 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen
Subject: Boeing Complaint

Signed and sent to the attorneys for Boeing and the IAM.
Rich

Microsoft Outlook

From: Pomerantz, Anne
Sent: Thursday, July 30, 2009 11:04 AM
To: Ahearn, Richard L.
Subject: as you were saying . . .

Aerospace
Boeing, Machinists Negotiate Plan
Offering Voluntary Layoffs, Benefits

SEATTLE—The Boeing Co. and International Association of Machinists District 751 have agreed to a voluntary layoff plan that will allow eligible airplane production workers to choose to be laid off with certain benefits and the company to retain employees with critical skills, a union representative said July 29.

The voluntary layoff benefits option plan, effective July 28, will help stabilize the workforce during times of layoffs, according to Connie Kelliher, District 751 spokeswoman.

Benefits include lump sum payments, extended medical and dental insurance, and earlier pension availability, according to the union.

IAM-represented employees last had access to a voluntary layoff plan in 1993, Kelliher said. The plan is the product of ongoing discussions between Boeing and the union aimed at improving communications in the wake of the union's 57-day strike against the company last fall ([213 DLR A-10, 11/4/08](#)), according to Kelliher.

"If we can work together to make a difference it's in the interests of everyone," she said.

Boeing spokesman Tim Healy said the parties have an understanding that they need to work to improve the relationship, having experienced three strikes during the last five rounds of contract negotiations.

"We've got to improve this relationship but we've got to improve it in a fundamental way," Healy told BNA July 29.

The voluntary layoff benefits options plan is laid out in a memorandum of understanding attached to the parties' four-year contract, Kelliher said.

At the suggestion of IAM District 751 President Tom Wroblewski, Boeing and the union began talking about a voluntary layoff option in January, she said.

At that time, the company said it intended to cut employment across the company by 10,000 jobs in 2009, including 4,500 at Boeing Commercial Airplanes ([213 DLR A-10, 11/4/08](#)).

Healy said job reductions since November 2008 in the commercial airplanes unit, including voluntary departures and layoffs, now stand at 2,500.

Companywide employment in the same time period has decreased by 4,600, he said.

Plan Helps Boeing Retain Skills

In a statement on the union's website, Wroblewski said the voluntary plan will be particularly appealing to workers who intend to retire anyway.

"The theory is to offer an option that will accommodate the needs of individual employees, help the company retain the skills it needs, and at the same time reduce the number of employees being surplussed," Wroblewski said in the statement.

District 751 represents some 25,000 airplane production workers in the Puget Sound area. Small units also covered by the contract for commercial airplane production workers are in Portland, Ore., and Wichita, Kan.

About 462 IAM-represented employees have been laid off since the first part of the year, Kelliher said.

It is hard to know how many employees would be eligible and interested in the voluntary plan, she said.

Jobs Must Be Declared Surplus

As described by the union, employees must be in a job skill area that has been declared surplus by Boeing skill management teams in order to apply for voluntary layoff benefits.

Skill teams will decide whether a machinist qualifies for the plan, the union said.

Voluntary layoff benefits include:

- a lump-sum payment of one week of pay for every two years of service up to a maximum of 13 weeks;
- eligibility for continued medical and dental insurance for up to six months following layoff; and
- eligibility for receiving pension benefits during a six-year period following layoff provided that employees forfeit recall rights.

By Nan Netherton

Anne P. Pomerantz
Regional Attorney | National Labor Relations Board | Region 19
2948 Jackson Federal Building, 915 Second Ave., Seattle, WA 98174
✉ anne.pomerantz@nrlb.gov | ☎ (206) 220-6311 | Fax: (206) 220-6305

Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Friday, July 31, 2009 8:01 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[WGA West will represent CBS scribes](#)

Hollywood Reporter

... employed at CBS in the Los Angeles area unanimously voted to seek representation by the WGAW in a tally conducted by the **National Labor Relations Board**. ...

[See all stories on this topic](#)

[New Boeing workers file to decertify Machinists union](#)

Charleston Regional Business

s newly-acquired North Charleston operation has filed a request with the **National Labor Relations Board** seeking a decertification election that could ...

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To: Ahearn, Richard L.
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[Boeing to pick assembly plant site by 'year's end'](#)

Charleston Regional Business

Fancher said the **NLRB** informed the company of the filing. "No, absolutely not," Fancher said when asked whether Boeing officials encouraged employees to ...

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Sent: Tuesday, August 11, 2009 3:15 PM
To: Ahearn, Richard L.
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Google News Alert for: **National labor relations board**

[Union revote date set for Boeing Charleston](#)

Charleston Regional Business

By Molly Parker The **National Labor Relations Board** has set an election date of Sept. 10 for hourly Boeing Charleston employees in response to a petition an ...

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To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

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[Boeing Charleston workers to vote on Machinists decertification](#)

Seattle Times

At a **National Labor Relations Board** hearing in Charleston this morning, the company and the International Association of Machinists (IAM) agreed to the vote ...

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Subject: Google Alert - National labor relations board

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[SC Boeing plant schedules vote on decertifying machinists union](#)

SmartBrief

The **National Labor Relations Board** and the International Association of Machinists have agreed to allow a Sept. 10 vote on decertifying the union at Boeing ...

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To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[Letter: 'Free Choice Act' will make US less competitive](#)

Morganton News Herald

The **NLRB** provides detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without peer pressure ...

[See all stories on this topic](#)

[Boeing Charleston Workers To Vote To Decertify IAM](#)

Aviation International News

Production and maintenance workers at the former Vought plant in North Charleston, SC, won approval today from the **National Labor Relations Board (NLRB)** to ...

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From: Google Alerts [googlealerts-noreply@google.com]
Sent: Monday, September 07, 2009 10:27 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[Finally, AFL-CIO speaks with a sane voice on card check!](#)

Examiner.com

The other exception allows the **NLRB** to order an employer to recognize a union if over 50% have signed cards if the employer has engaged in unfair **labor** ...

[See all stories on this topic](#)

[Labor Day ushers in union vote at Boeing](#)

Charleston Post Courier

The casting of ballots, if it proceeds as scheduled, will be monitored by the **National Labor Relations Board**.

Also watching closely will be Seattle business ...

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From: Google Alerts [googlealerts-noreply@google.com]
Sent: Thursday, September 10, 2009 7:12 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[Boeing workers vote to kick out Machinists union](#)

Charleston Regional Business

The election was held by the **National Labor Relations Board** in response to a petition an employee filed for union decertification in July. ...

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From: David Campbell [campbell@workerlaw.com]
Sent: Sunday, April 11, 2010 2:48 PM
To: David Campbell; Ahearn, Richard L.
Cc: Corson Christopher; mblondin@iamaw.org; tomw@iam751.org; Carson Glickman-Flora; Kathy Barnard; Jude Bryan
Subject: RE: Boeing Unfair Labor Practice Charges

Director Ahearn, Thank you for taking the time to meet with us. This will confirm our meeting Monday April 12 at your offices at 2:30 PM. Attendees will include Rich. Michalski, General Vice President of the IAM, Chris Corson, General Counsel for the IAM, Tom Wroblewski, President of IAM District Lodge 751, Mark Blondin, the IAM National Boeing Coordinator, my partner, Carson Glickman-Flora and myself. We look forward to our meeting.

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com

18 W Mercer Suite 400
Seattle, Washington 98119-3971
Phone (206)285-2828: FAX (206)378-4132

This communication is protected by the attorney client and attorney work-product privileges. Please do not copy, forward or append.

From: David Campbell
Sent: Friday, April 02, 2010 10:25 AM
To: Ahearn, Richard L.
Cc: Corson Christopher; Mark Blondin (mblondin@iamaw.org); tomw@iam751.org; Carson Glickman-Flora; Kathy Barnard; Jude Bryan
Subject: Boeing Unfair Labor Practice Charges

Director Ahearn, We propose to meet with you and your staff regarding the latest Boeing charges at 1:30 PM on April 12, 2010 at your offices. Please advise if this will work with your schedule.

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com

18 W Mercer Suite 400
Seattle, Washington 98119-3971
Phone (206)285-2828: FAX (206)378-4132

This communication is protected by the attorney client and attorney work-product privileges. Please do not copy, forward or append.

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Sunday, April 11, 2010 3:06 PM
To: 'campbell@workerlaw.com'
Subject: Re: Boeing Unfair Labor Practice Charges

David, Thanks for the advance notice; look forward to seeing everyone.
Rich

Sent from my BlackBerry Wireless Handheld

From: David Campbell <campbell@workerlaw.com>
To: David Campbell <campbell@workerlaw.com>; Ahearn, Richard L.
Cc: Corson Christopher <ccorson@iamaw.org>; mblondin@iamaw.org <mblondin@iamaw.org>; tomw@iam751.org <tomw@iam751.org>; Carson Glickman-Flora <flora@workerlaw.com>; Kathy Barnard <barnard@workerlaw.com>; Jude Bryan <bryan@workerlaw.com>
Sent: Sun Apr 11 14:48:00 2010

Subject: RE: Boeing Unfair Labor Practice Charges

Director Ahearn, Thank you for taking the time to meet with us. This will confirm our meeting Monday April 12 at your offices at 2:30 PM. Attendees will include Rich. Michalski, General Vice President of the IAM, Chris Corson, General Counsel for the IAM, Tom Wroblewski, President of IAM District Lodge 751, Mark Blondin, the IAM National Boeing Coordinator, my partner, Carson Glickman-Flora and myself. We look forward to our meeting.

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com
18 W Mercer Suite 400

Seattle, Washington 98119-3971

Phone (206)285-2828; FAX (206)378-4132

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From: David Campbell
Sent: Friday, April 02, 2010 10:25 AM
To: Ahearn, Richard L.
Cc: Corson Christopher; Mark Blondin (mblondin@iamaw.org); tomw@iam751.org; Carson Glickman-Flora; Kathy Barnard; Jude Bryan
Subject: Boeing Unfair Labor Practice Charges

Director Ahearn, We propose to meet with you and your staff regarding the latest Boeing charges at 1:30 PM on April 12, 2010 at your offices. Please advise if this will work with your schedule.

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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Sunday, April 11, 2010 3:08 PM
To: Baniszewski, Joseph
Subject: Fw: Boeing Unfair Labor Practice Charges

FYI...in case you're here by then.
Rich

Sent from my BlackBerry Wireless Handheld

From: David Campbell <campbell@workerlaw.com>
To: David Campbell <campbell@workerlaw.com>; Ahearn, Richard L.
Cc: Corson Christopher <ccorson@iamaw.org>; mblondin@iamaw.org <mblondin@iamaw.org>; tomw@iam751.org <tomw@iam751.org>; Carson Glickman-Flora <flora@workerlaw.com>; Kathy Barnard <barnard@workerlaw.com>; Jude Bryan <bryan@workerlaw.com>
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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Sunday, April 11, 2010 3:08 PM
To: Pomerantz, Anne; Kobe, James
Subject: Fw: Boeing Unfair Labor Practice Charges

Fyi.

Sent from my BlackBerry Wireless Handheld

From: David Campbell <campbell@workerlaw.com>
To: David Campbell <campbell@workerlaw.com>; Ahearn, Richard L.
Cc: Corson Christopher <ccorson@iamaw.org>; mblondin@iamaw.org <mblondin@iamaw.org>; tomw@iam751.org <tomw@iam751.org>; Carson Glickman-Flora <flora@workerlaw.com>; Kathy Barnard <barnard@workerlaw.com>; Jude Bryan <bryan@workerlaw.com>
Sent: Sun Apr 11 14:48:00 2010

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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Sunday, April 11, 2010 3:32 PM
To: Baniszewski, Joseph
Subject: Re: Boeing Unfair Labor Practice Charges

Don't know; they're outlining a charge they're about to file. From the lineup, they consider it damn important.
R

Sent from my BlackBerry Wireless Handheld

From: Baniszewski, Joseph
To: Ahearn, Richard L.
Sent: Sun Apr 11 15:27:03 2010
Subject: Re: Boeing Unfair Labor Practice Charges

Thanks, quite the group, I'm interested in attending - what's the topic?

Joe

Sent from my BlackBerry Wireless Handheld

From: Ahearn, Richard L.
To: Baniszewski, Joseph
Sent: Sun Apr 11 15:07:38 2010
Subject: Fw: Boeing Unfair Labor Practice Charges

FYI...in case you're here by then.
Rich

Sent from my BlackBerry Wireless Handheld

From: David Campbell <campbell@workerlaw.com>
To: David Campbell <campbell@workerlaw.com>; Ahearn, Richard L.
Cc: Corson Christopher <ccorson@iamaw.org>; mblondin@iamaw.org <mblondin@iamaw.org>; tomw@iam751.org <tomw@iam751.org>; Carson Glickman-Flora <flora@workerlaw.com>; Kathy Barnard <barnard@workerlaw.com>; Jude Bryan <bryan@workerlaw.com>
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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Sunday, April 11, 2010 5:50 PM
To: Baniszewski, Joseph
Subject: Re: Boeing Unfair Labor Practice Charges

I bet.

Sent from my BlackBerry Wireless Handheld

From: Baniszewski, Joseph
To: Ahearn, Richard L.
Sent: Sun Apr 11 16:37:45 2010
Subject: Re: Boeing Unfair Labor Practice Charges

Something to do with the new, huge production facility in South Carolina?
Joe

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From: Ahearn, Richard L.
To: Baniszewski, Joseph
Sent: Sun Apr 11 15:32:27 2010
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To: David Campbell <campbell@workerlaw.com>; Ahearn, Richard L.

Cc: Corson Christopher <ccorson@iamaw.org>; mblondin@iamaw.org <mblondin@iamaw.org>; tomw@iam751.org <tomw@iam751.org>; Carson Glickman-Flora <flora@workerlaw.com>; Kathy Barnard <barnard@workerlaw.com>; Jude Bryan <bryan@workerlaw.com>

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Microsoft Outlook

From: Baniszewski, Joseph
Sent: Sunday, April 11, 2010 7:41 PM
To: Ahearn, Richard L.
Subject: Re: Boeing Unfair Labor Practice Charges

I read something last week - maybe the NYT, can't recall - that they broke ground on the main production building outside Charleston SC. Plus the IAM lost an RD election 4-6 weeks ago in a Boeing unit in the same geographic area. Not good for labor relations nor for the Seattle economy!

Joe

Sent from my BlackBerry Wireless Handheld

From: Ahearn, Richard L.
To: Baniszewski, Joseph
Sent: Sun Apr 11 17:49:41 2010
Subject: Re: Boeing Unfair Labor Practice Charges

I bet.

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Friday, June 04, 2010 7:57 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[Machinists file unfair **labor** charge against Boeing over Charleston](#)

Seattle Times

The Machinists union has filed a complaint against Boeing with the **National Labor Relations Board (NLRB)**, charging that the company was retaliating for a ...

[Seattle Times](#)

[See all stories on this topic](#)

Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu).

[Remove](#) this alert.
[Create](#) another alert.
[Manage](#) your alerts.

Microsoft Outlook

From: David Campbell [campbell@workerlaw.com]
Sent: Friday, June 04, 2010 9:06 PM
To: Ahearn, Richard L.
Subject: Boeing

Rich, Could you please give me a call? The Seattle Times story is causing considerable concern. Thanks,

Cell Exemption 6 - Privacy

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com

Schwerin Campbell Barnard Iglitzin & Lavitt
18 W Mercer Suite 400
Seattle, Washington 98119-3971
Phone (206)285-2828: FAX (206)378-4132

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Monday, June 07, 2010 2:07 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[Machinists file Boeing complaint](#)

Charleston Post Courier

The union is claiming Boeing was retaliating for a strike and filed a complaint of unfair **labor** practices with the **National Labor Relations Board**, ...

[See all stories on this topic](#)

Tip: Use quotes ("like this") around a set of words in your query to match them exactly.

[Remove](#) this alert.
[Create](#) another alert.
[Manage](#) your alerts.

Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Tuesday, June 08, 2010 1:17 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[Boeing denies union claim](#)

Charleston Post Courier

The **National Labor Relations Board** will review the filing brought by the International Association of Machinists and Aerospace Workers District Lodge 751 ...

[See all stories on this topic](#)

This as-it-happens Google Alert is brought to you by Google.

[Remove](#) this alert.

[Create](#) another alert.

[Manage](#) your alerts.

Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Tuesday, June 08, 2010 2:14 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[NLRB ruling could affect hospital residents, interns](#)

Philadelphia Inquirer

A **National Labor Relations Board** ruling upholding a union election by hospital residents and interns may clear the way for more organizing at hospitals. ...

[See all stories on this topic](#)

[Union complains Boeing move to SC was retaliatory](#)

Charleston Regional Business

The Machinists' District 751 submitted the unfair-labor practices grievance to the **National Labor Relations Board's** Seattle office in March. ...

[See all stories on this topic](#)

Tip: Use quotes ("like this") around a set of words in your query to match them exactly.

[Remove](#) this alert.

[Create](#) another alert.

[Manage](#) your alerts.

Microsoft Outlook

Start: Thu 9/29/2011 3:00 PM
End: Thu 9/29/2011 3:30 PM

Recurrence: (none)

Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Tuesday, August 10, 2010 7:23 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

2 new results for **National labor relations board**

[Federal **board**: Delta interfered in union election](#)

Atlanta Journal Constitution

... the **National** Mediation **Board** determined. The election will be rerun, the three-member Mediation **Board** decided. The NMB oversees **labor relations** at ...

[See all stories on this topic »](#)

[3 Boeing workers file **labor** charges against UAW](#)

Contra Costa Times

The trio, who work at Boeing's supply warehouse in Carson, filed charges with the **National Labor Relations Board** alleging the union forced them to pay fines ...

[See all stories on this topic »](#)

This as-it-happens Google Alert is brought to you by Google.

[Remove](#) this alert.

[Create](#) another alert.

[Manage](#) your alerts.

Microsoft Outlook

From: nxgen@nlrb.gov
Sent: Monday, August 16, 2010 7:02 PM
To: ML-19SEA-Efile
Cc: ML-NxGenWorkFlow
Subject: PROD: Action Required - NxGen eFiling Received for 19-CA-032431, Boeing Company

This is to notify you of a new eFiling that has been assigned to your office for 19-CA-032431, Boeing Company. The eFiling type is PST and the associated Action is General.

Microsoft Outlook

From: nxgen@nlrb.gov
Sent: Wednesday, August 25, 2010 6:44 PM
To: ML-19SEA-Efile
Cc: ML-NxGenWorkFlow
Subject: PROD: Action Required - NxGen eFiling Received for 19-CA-032431, Boeing Company

This is to notify you of a new eFiling that has been assigned to your office for 19-CA-032431, Boeing Company. The eFiling type is PST and the associated Action is General.

Microsoft Outlook

From: Jablonski, Colleen G.
Sent: Wednesday, August 25, 2010 7:12 PM
To: Todd, Dianne; Pomerantz, Anne; Kobe, James; Jones, Elan J.; Feller, Rachel
Cc: Rooker, Karen; Ahearn, Richard L.
Subject: boeing agenda

Boeing agenda is hereby (with RD's permission) scheduled for 10 am on Thursday.

Microsoft Outlook

From: nxgen@nlrb.gov
Sent: Wednesday, August 25, 2010 7:58 PM
To: ML-19SEA-Efile
Cc: ML-NxGenWorkFlow
Subject: PROD: Action Required - NxGen eFiling Received for 19-CA-032431, Boeing Company

This is to notify you of a new eFiling that has been assigned to your office for 19-CA-032431, Boeing Company. The eFiling type is PST and the associated Action is General.

Microsoft Outlook

From: Rooker, Karen
Sent: Wednesday, August 25, 2010 8:04 PM
To: Ahearn, Richard L.; Pomerantz, Anne; Kobe, James; Jones, Elan J.; Hickey, Daniel
Subject: Noel Canning, Case 19-CA-32519

I will be out of the office tomorrow morning until about 10:00 a.m. Dan Hickey will be acting for me until I arrive. Since Dan will be out of the office this Friday and the following Monday, he would like to agenda Noel Canning before the Boeing agenda. Hopefully, that will work for everyone.

Thanks so much,

Karen

Microsoft Outlook

From: Mattina, Celeste
Sent: Thursday, October 21, 2010 12:29 PM
To: Ahearn, Richard L.

Boeing's attorney has not responded to two messages left by Barry. Barry plans to leave a third. Isn't that unbelievable?

Microsoft Outlook

From: Mattina, Celeste J.
Sent: Friday, October 22, 2010 4:41 PM
To: Ahearn, Richard L.
Subject: FW: Boeing

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

From: Kearney, Barry J.
Sent: Friday, October 22, 2010 4:39 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Higgins, John E.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Boeing

Hopefully we will hear Monday

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

From: Hankins, Richard [mailto:rhankins@mckennalong.com]
Sent: Friday, October 22, 2010 4:29 PM
To: Kearney, Barry J.
Subject: Boeing

Mr. Kearney,

I've conveyed your meeting request to Boeing representatives, and they are discussing it. I hope to let you know something on Monday. I hope that is okay with you.

Richard B. Hankins
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, Ga 30308
Tel: 404.527.8372 | Fax: 404.527.7088 | rhankins@mckennalong.com

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Microsoft Outlook

From: Pomerantz, Anne
Sent: Wednesday, October 27, 2010 1:17 PM
To: Ahearn, Richard L.
Subject: FW: boeing

When are you available this afternoon to talk Boeing with Colleen, Diane, and me?

Microsoft Outlook

From: NXGEN
Sent: Wednesday, November 10, 2010 5:38 PM
To: ML-19SEA-Efile
Cc: ML-NxGenWorkFlow
Subject: PROD: Action Required - NxGen E-Filed Document Received for 19-CA-032431, Boeing Company

This is to notify you that a new E-Filed Document has been received by your office for 19-CA-032431, Boeing Company. The E-Filing type is NOA and the associated Action is General.

Microsoft Outlook

From: NXGEN
Sent: Wednesday, November 10, 2010 5:40 PM
To: ML-19SEA-Efile
Cc: ML-NxGenWorkFlow
Subject: PROD: Action Required - NxGen E-Filed Document Received for 19-CA-032431, Boeing Company

This is to notify you that a new E-Filed Document has been received by your office for 19-CA-032431, Boeing Company. The E-Filing type is NOA and the associated Action is General.

Microsoft Outlook

From: Farrell, Ellen
Sent: Thursday, November 11, 2010 10:49 AM
To: Ahearn, Richard L.
Subject: Out of Office: seattletimes.com: Boeing tells analyst: 787 deliveries 'will take longer than expected'

Thanks for your e-mail message. I'm out of the office on Thursday and Friday, November 11-12. If your email needs immediate attention please forward it to Barry Kearney.

Microsoft Outlook

From: Todd, Dianne
Sent: Thursday, November 11, 2010 10:49 AM
To: Ahearn, Richard L.
Subject: Out of Office: seattletimes.com: Boeing tells analyst: 787 deliveries 'will take longer than expected'

I will be out of the office until Tuesday, November 16. If this is an emergency case handling matter, please call 206-220-6301 and ask to speak with my supervisor.

Thank you,
Dianne Todd
Region 19

Microsoft Outlook

From: Roberts, Crystal
Sent: Thursday, November 18, 2010 8:26 AM
To: Ahearn, Richard L.
Cc: Baniszewski, Joseph
Subject: FW: Boeing - Ahearn travel to DC

This is your Travel Order number and CDC number.
TO # 60-11-22-053a and CDC # 3036

From: Baniszewski, Joseph
Sent: Wednesday, November 17, 2010 5:47 PM
To: Roberts, Crystal
Cc: Ahearn, Richard L.; Snook, Dennis
Subject: Fw: Boeing - Ahearn travel to DC

Crystal, please send a travel order number to R-19 RD Rich Ahearn, traveling to Washington Dec 12 thru Dec 14.
Thanks and please let me know if you have questions,
Regards,
Joe

Sent from my BlackBerry Wireless Handheld

From: Siegel, Richard A.
To: Baniszewski, Joseph
Cc: Levin, Nelson
Sent: Wed Nov 17 17:05:48 2010
Subject: RE: Boeing - Ahearn travel to DC

Of course

From: Baniszewski, Joseph
Sent: Wednesday, November 17, 2010 3:57 PM
To: Siegel, Richard A.
Cc: Levin, Nelson
Subject: FW: Boeing - Ahearn travel to DC

Rick, would you please authorize a travel order for Rich Ahearn for December 12 through 14, 2010, so he can attend a meeting scheduled here in Headquarters on December 13 with Advice, the GC and lawyers representing Boeing.

Thanks,

Joe

From: Ahearn, Richard L.
Sent: Tuesday, November 16, 2010 6:27 PM

To: Baniszewski, Joseph
Subject: FW: Boeing

Joe, Let's discuss ...Barry spoke to Lafe and they apparently agree I should come in.
Many thanks.
Rich

From: Kearney, Barry J.
Sent: Monday, November 15, 2010 11:27 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L; Ahearn, Richard L.; Omberg, Bob; Katz, Judy
Subject: Boeing

Talked to Kilberg and Boeing can't make the dates I gave him because of the airplane fire. It is now scheduled for Monday December 13 @ 2:00pm. Kilberg also apologized for the boorish behavior of his client.

Microsoft Outlook

From: Baniszewski, Joseph
Sent: Thursday, November 18, 2010 10:16 AM
To: Roberts, Crystal; Ahearn, Richard L.
Cc: Snook, Dennis
Subject: RE: Boeing - Ahearn travel to DC

Thanks Crystal,

Joe

From: Roberts, Crystal
Sent: Thursday, November 18, 2010 8:26 AM
To: Ahearn, Richard L.
Cc: Baniszewski, Joseph
Subject: FW: Boeing - Ahearn travel to DC

This is your Travel Order number and CDC number.
TO # 60-11-22-053a and CDC # 3036

From: Baniszewski, Joseph
Sent: Wednesday, November 17, 2010 5:47 PM
To: Roberts, Crystal
Cc: Ahearn, Richard L.; Snook, Dennis
Subject: Fw: Boeing - Ahearn travel to DC

Crystal, please send a travel order number to R-19 RD Rich Ahearn, traveling to Washington Dec 12 thru Dec 14.

Thanks and please let me know if you have questions,

Regards,

Joe

Sent from my BlackBerry Wireless Handheld

From: Siegel, Richard A.
To: Baniszewski, Joseph
Cc: Levin, Nelson
Sent: Wed Nov 17 17:05:48 2010
Subject: RE: Boeing - Ahearn travel to DC

Of course

From: Baniszewski, Joseph
Sent: Wednesday, November 17, 2010 3:57 PM
To: Siegel, Richard A.
Cc: Levin, Nelson
Subject: FW: Boeing - Ahearn travel to DC

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Thanks,

Joe

From: Ahearn, Richard L.
Sent: Tuesday, November 16, 2010 6:27 PM
To: Baniszewski, Joseph
Subject: FW: Boeing

Joe, Let's discuss ...Barry spoke to Lafe and they apparently agree I should come in.
Many thanks.
Rich

From: Kearney, Barry J.
Sent: Monday, November 15, 2010 11:27 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L; Ahearn, Richard L.; Omberg, Bob; Katz, Judy
Subject: Boeing

Talked to Kilberg and Boeing can't make the dates I gave him because of the airplane fire. It is now scheduled for Monday December 13 @ 2:00pm. Kilberg also apologized for the boorish behavior of his client.

Microsoft Outlook

From: R.Ahearn personal email - Exemption 6 - Privacy
Sent: Saturday, December 11, 2010 2:17 PM
To: Ahearn, Richard L.
Subject: An article from www.thestate.com

Ricardo has sent you the following story:



Posted on Thursday, Dec. 09, 2010

Union opponent tapped for labor chief

By JOHN O'CONNOR

Gov.-elect Nikki Haley has moved to protect Boeing Co., the state's recently arrived aerospace giant, nominating a union-fighting attorney to head the agency that oversees business licensing, professional boards and the labor law enforcement.

Haley said she chose Charleston attorney Catherine Templeton — whose Ogletree Deakins bio lists "union avoidance" as a specialty — as director of the Department of Labor, Licensing and Regulation to prevent organized labor from gaining a foothold in the 787 Dreamliner plant now under construction. Boeing executives said South Carolina's anti-union history was a key factor in their decision to open a new plant outside their long-time home in the Seattle area.

"I think we're going to have a union fight as we go forward with Boeing," Haley said in announcing Templeton's nomination.

[Read More...](#)

Microsoft Outlook

From: etravelservices@carlson.com
Sent: Wednesday, January 19, 2011 2:31 PM
To: Ahearn, Richard L.
Subject: Your Trip 2417079 is pending approval from VALENTIN, RUTH

Dear RICHARD AHEARN,

Your travel was approved by VALENTIN, RUTH and is now awaiting approval from VALENTIN, RUTH.

Trip ID : 2417079
Traveler : AHEARN, RICHARD
Destination: WASHINGTON, DC
TDY Type : Conference
Purpose : Meeting with GC, Advice and Machinists Union Lawyers at Headquarters
Trip Dates : 2011-01-18 To 2011-01-20
Status : Pending Authorization Approval

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Microsoft Outlook

From: etravelservices@carlson.com
Sent: Wednesday, January 19, 2011 2:32 PM
To: Ahearn, Richard L.
Subject: Your Trip 2417079 is pending approval from SIEGEL, RICHARD A

Dear RICHARD AHEARN,

Your travel was approved by VALENTIN, RUTH and is now awaiting approval from SIEGEL, RICHARD A.

Trip ID : 2417079
Traveler : AHEARN, RICHARD
Destination: WASHINGTON, DC
TDY Type : Conference
Purpose : Meeting with GC, Advice and Machinists Union Lawyers at Headquarters
Trip Dates : 2011-01-18 To 2011-01-20
Status : Pending Authorization Approval

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Thursday, January 20, 2011 11:02 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

2 new results for **National labor relations board**

[Labor board not serving workers](#)

Arizona Republic

Now, the **National Labor Relations Board**, the agency charged with overseeing federal labor laws, is doing the unions' bidding, instead. The **NLRB** has informed ...

[See all stories on this topic »](#)

[Union sues over SC gov remarks about Boeing plant](#)

Bloomberg

Meanwhile, the **National Labor Relations Board** has threatened a federal lawsuit against South Carolina, Arizona, South Dakota and Utah over constitutional ...

[See all stories on this topic »](#)

Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu). [Learn more](#).

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Microsoft Outlook

From: R.Ahearn personal email - Exemption 6 - Priv...
Sent: Friday, January 21, 2011 12:58 AM
To: Ahearn, Richard L.
Subject: seattletimes.com: Machinists union sues over S.C. governor's remarks about Boeing plant

This message was sent to you by R.Ahearn personal email - Exemption 6 - ... as a service of The Seattle Times
<http://www.seattletimes.com>.

Machinists union sues over S.C. governor's remarks about Boeing plant

South Carolina Gov. Nikki Haley is facing her first big lawsuit after saying the state would try to keep unions out of the Boeing Inc. plant in North Charleston.

http://seattletimes.nwsources.com/html/localnews/2013986715_apscscgovernorboeing.html

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www.seattletimes.com

Microsoft Outlook

From: etravelservices@carlson.com
Sent: Friday, January 21, 2011 9:44 AM
To: Ahearn, Richard L.
Subject: Your Travel Authorization has been approved - 2417079

Dear RICHARD AHEARN,

Your authorization has been approved and you are authorized to proceed with travel.

Access eTS and print a copy of your Approved Authorization before departure.
Per diem authorized at WASHINGTON, DC

Trip ID : 2417079
Traveler : AHEARN, RICHARD
Destination: WASHINGTON, DC
TDY Type : Conference
Purpose : Meeting with GC, Advice and Machinists Union Lawyers at Headquarters
Trip Dates : 2011-01-18 To 2011-01-20
Status : Pending Authorization Approval

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Microsoft Outlook

From: R. Ahearn private addr - Exemption 6 - Privacy
Sent: Thursday, January 27, 2011 10:49 AM
To: Ahearn, Richard L.
Subject: seattletimes.com: Boeing's next delivery: bonuses

This message was sent to you by richahearn@gmail.com, as a service of The Seattle Times <http://www.seattletimes.com>.

Boeing's next delivery: bonuses

Despite lower revenue in 2010 than a year earlier and higher-than-expected spending on the 787 and 747-8 programs, Boeing booked \$4.5 billion in pretax profits. As a result, about 48,500 Washington state employees will qualify for bonuses worth almost three weeks' extra pay.

http://seattletimes.nwsources.com/html/business/technology/2014048927_boeing27.html

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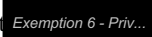
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www.seattletimes.com

Microsoft Outlook

From: Katz, Judy
Sent: Thursday, January 27, 2011 10:52 AM
To: Ahearn, Richard L.
Subject: Out of Office: Boeing's next delivery: bonuses

I am teleworking from home on Thursday, January 27, due to the snow storm. Please contact me at  *Exemption 6 - Priv...*

Microsoft Outlook

From: NXGEN
Sent: Thursday, January 27, 2011 12:42 PM
To: ML-19SEA-Efile
Cc: ML-NxGenWorkFlow
Subject: PROD: Action Required - NxGen E-Filed Document Received for 19-CA-032431, Boeing Company

This is to notify you that a new E-Filed Document has been received by your office for 19-CA-032431, Boeing Company. The E-Filing type is LTR and the associated Action is General.

Microsoft Outlook

From: David Campbell [campbell@workerlaw.com]
Sent: Thursday, January 27, 2011 2:13 PM
To: Willen, Debra L; Ahearn, Richard L.
Cc: Carson Glickman-Flora; Jude Bryan
Subject: FYI McNearny Conference Call From Transcript

On to Everett and Renton:

Operator

(Next question is) from the line of Mike Mecham with Aviation Week.

Michael Mecham

One thing you haven't talked about in quite some detail is just how productivity is there, how your development for your production lines is going. You're working on Charleston, you're a slowly developing a backup line for 787 there in Everett, and of course, 767 lines coming on. Can you just go through how Charleston's coming along and your whole outlook on your production lines?

W. McNerney

Well, Charleston is going along well. The final assembly capability we're building there for the 787 is actually ahead of schedule. We're feeling good about its construction and the **hiring** of the people that we are currently training to work in that facility. You're right, we have a **surge line** in Everett, which is a **temporary line** to give us the flexibility to make sure we **move** the work properly to Charleston that we're going to **move**. So that's all working well. The 767 line is, I guess, that really depends on tanker, yes or no. I think in either case, we have a plan for that line to either morphed into a tanker line, and as you can imagine, spent a fair amount of time planning on how we would do that and feel very confident of that move. And if we do not end up winning the tanker competition, we think there's commercial demand that can keep that line open for a somewhat longer. But I think everything's sort of in front of us. I think the bigger question is implementing all these rate increases that really are a tremendous economic opportunity for the Boeing Co. over the next two or three years. And we feel equally confident there. So production plan, you're on an important issue, production planning and execution. We're spending a lot of time on it and we feel great about the opportunity in front of us.

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com

Schwerin Campbell Barnard Iglitzin & Lavitt
18 W Mercer Suite 400

Seattle, Washington 98119-3971

Phone (206)285-2828; FAX (206)378-4132

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Microsoft Outlook

From: etravel@carlson.com
Sent: Friday, January 28, 2011 9:50 AM
To: Ahearn, Richard L.
Subject: Travel number 2417079 has been approved

Dear RICHARD AHEARN,

Approver RICHARD A SIEGEL has approved your travel voucher.

The 2417079 (1.0) status now: Voucher Pending Audit. Once approved by an auditor, a payment will be scheduled (Status: Voucher Awaiting Payment). When the status is Closed Voucher, your payment has been made.

Trip ID : 2417079
Traveler : AHEARN, RICHARD
Destination: WASHINGTON, DC
TDY Type : Conference
Purpose : Meeting with GC, Advice and Machinists Union Lawyers at Headquarters
Trip Dates : 2011-01-18 To 2011-01-20
Status : Voucher Pending Audit

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Microsoft Outlook

From: Sweeney, Brian
Sent: Friday, January 28, 2011 11:56 AM
To: Connolly, Ryan E.; Ahearn, Richard L.
Cc: Lundgren, Cynthia A; Little, Janet C; Kobe, James; Snook, Dennis
Subject: Boeing Transcripts

Importance: High

FYI, I talked to Jen @ Argie Reporting this a.m. We may get the first day of hearing today via email but certainly Monday and after that the transcripts should "fly in" per Jen. However, we won't get the exhibits until the conclusion of the hearing – so, we need to grab Janet Little's copy, when available, and copy for Ryan. **Cynthia**, can you get on the copying?

Thanks,

Brian

Brian J. Sweeney, Deputy Regional Attorney
United States Federal Government
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, WA 98174
Telephone: 206-220-6327
Facsimile: 206-220-6305
email: Brian.Sweeney@NLRB.gov

Microsoft Outlook

From: Connolly, Ryan E.
Sent: Monday, February 14, 2011 6:34 PM
To: Ahearn, Richard L.
Cc: Finch, Peter G.
Subject: work at home Tuesday, Feb 15

I'm requesting to work at home tomorrow on the Boeing transcripts. Normally I'd get approval from Brian, but with him out I'm going to you, let me know if you need anything further, thanks.

Ryan E. Connolly, Field Attorney
National Labor Relations Board, Region 19
Jackson Federal Building, Rm. 2948
915 Second Ave.
Seattle, WA 98174
phone: (206) 220-6324
fax: (206) 220-6305


Microsoft Outlook

From: Baniszewski, Joseph
Sent: Monday, March 14, 2011 9:14 PM
To: Ahearn, Richard L.
Subject: Out of Office: Boeing Co.

I will not be in the office on Tuesday, March 15 and i will return Wednesday, March 16. I'll be able to check E Mails during my absence and will return your E Mail as soon as possible.
Joe Baniszewski

Microsoft Outlook

From: Federal News Radio [federalreport@federalnewsradio.com]
Sent: Thursday, April 14, 2011 6:11 AM
To: Ahearn, Richard L.
Subject: Mike Causey: Good old days



Mike Causey's Federal Report

Federal News Radio - Your Source for Federal News...Now

Mike Causey's Federal Report

The good old days for feds - both of them!

Most individuals have a time period they consider the good old days, when kids were kids and people didn't lock their doors. But Senior Correspondent Mike Causey says that for many federal workers the good old days didn't last very long because they only included last weekend!

Brought to you by [GEICO](#)

More from Federal News Radio

[Issa: Pay debate is subset of larger challenges](#)

[Deficit plan to target fed pay, benefits?](#)

[Senate-confirmed positions bill advances](#)

[Congress voting today on FY 2011 funding](#)

Quote of the Day

"Just as we must find more savings in domestic programs, we must do the same in defense." --
[PRESIDENT BARACK OBAMA](#) in a speech on his administration's deficit reduction plan to cut \$4 trillion in the deficit over 12 years.

On the Air

[Contracting counter-offenses](#)

Defense contractors are watching the budget debates carefully. Many lawmakers advocate

April 14, 2011

Advertisement

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Local News from WTOP

Gas prices across the D.C. region keep soaring. For regular unleaded, prices shot up another 9 cents a gallon in the last week, according to WTOP's latest Price at the Pump survey. Get the details on wtop.com.

cutting Defense spending as part of FY 2012. Dennis Muilenburg, the president and CEO of Boeing Defense, Space and Security tells the Federal Drive this morning in the 8 o'clock hour about what the contracting giant is doing to prepare.

The Causey Awards Return!

Nominations for the 2nd annual Causey Awards are now open. The Causeys recognize the exceptional efforts of individuals in the human capital arena. Find details, rules, and a nomination form on FederalNewsRadio.com.

To contact Federal News Radio, please [click here](#). Federal News Radio is located at 3400 Idaho Avenue, NW, Washington, DC, 20016. [Privacy Statement](#)



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Microsoft Outlook

From: David Campbell [campbell@workerlaw.com]
Sent: Friday, April 15, 2011 7:49 PM
To: Ahearn, Richard L.
Subject: Boeing

Director Ahearn, A brief call would be much appreciated. Dave

2063109152

Microsoft Outlook

From: Cleeland, Nancy
Sent: Wednesday, April 20, 2011 1:44 PM
To: Ahearn, Richard L.
Subject: FW: Machinist news release is out

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nrlrb.gov

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nrlrb-complaint-over-boeing-south-carolina-move>

Tony Wagner
New Media Specialist | Office of Public Affairs
National Labor Relations Board (NLRB)
1099 14th Street NW, Suite 11550 | Washington, DC 20570
anthony.wagner@nrlrb.gov | 202-273-0187 | cell: 202-375-9791
nrlrb.gov | m.nrlrb.gov | facebook.com/NLRBpage | [@nrlrb](https://twitter.com/nrlrb)

Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Wednesday, April 20, 2011 3:55 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

1 new result for **National labor relations board**

[Boeing To Fight NLRB Complaint Backed By Union](#)

Daily Markets

CHICAGO, April 20, 2011 /PRNewswire/ — The Boeing Company said it will vigorously contest a complaint brought before the **National Labor Relations Board (NLRB)** today by the leadership of the International Association of Machinists and Aerospace Workers ...

[See all stories on this topic »](#)

Tip: Use site restrict in your query to search within a site (site:nytimes.com or site:.edu). [Learn more](#).

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Microsoft Outlook

From: Pomerantz, Anne
Sent: Wednesday, April 20, 2011 4:50 PM
To: Ahearn, Richard L.; Anzalone, Mara-Louise
Subject: local coverage has begun

<http://www.komonews.com/news/boeing/120304024.html>

Anne P. Pomerantz
Regional Attorney | National Labor Relations Board | Region 19
2948 Jackson Federal Building, 915 Second Ave., Seattle, WA 98174
✉ anne.pomerantz@nrlb.gov | ☎ (206) 220-6311 | 📠 (206) 220-6305



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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Wednesday, April 20, 2011 4:51 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

5 new results for **National labor relations board**

[NLRB says Boeing's Charleston plant is illegal retaliation against Machinists](#)

The Seattle Times

By Eric Pryne Boeing was retaliating illegally against its largest union when it decided two years ago to put a second Dreamliner assembly line in a non-union plant in South Carolina, the **National Labor Relations Board** charged in a complaint filed ...

[See all stories on this topic »](#)

[NLRB issues complaint against Boeing for building some planes in non-union ...](#)

Washington Examiner (blog)

The **National Labor Relations Board**, which continues to do the bidding for unions on behalf of the Obama administration, on Wednesday slapped Boeing with a complaint for transferring the building of some planes to a non-union facility. ...

[See all stories on this topic »](#)

[Boeing Accused of Retaliating Against Union](#)

Fox News

The union has claimed that a second assembly line was set up at a non-union plant in North Charleston, SC The **National Labor Relations Board** complaint filed on Wednesday quotes public statements by Boeing executives saying they put the plant in ...

[See all stories on this topic »](#)

[Congresswoman Buerkle hears from employers at field hearing in Irondequoit](#)

Brighton-Pittsford Post

Meinking talked about what she said is the detrimental effect of federal "project labor agreements," which require employers to hire only certain workers. She also mentioned "egregious outreaches" by the **National Labor Relations Board** and what she ...

[See all stories on this topic »](#)

[After 10 Years, Consolidated Biscuit Workers Will Vote on Union](#)

AFL-CIO (blog)

The **National Labor Relations Board** (NLRB) announced the 825 workers will vote May 5–6 on whether to join a union. Fed up with low pay, minimal benefits and hazardous working conditions, workers at CBC approached the Bakery, Confectionery, ...

[AFL-CIO \(blog\)](#)

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Tip: Use a plus sign (+) to match a term in your query exactly as is. [Learn more.](#)

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Wednesday, April 20, 2011 8:03 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

1 new result for **National labor relations board**

[Boeing to Challenge 787 Move](#)

Wall Street Journal

By MELANIE TROTTMAN The **National Labor Relations Board** Wednesday said aircraft maker Boeing Co. violated federal labor law by building a second production line for its 787 Dreamliner at a non-union factory in South Carolina, siding with union workers ...

[See all stories on this topic »](#)

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Thursday, April 21, 2011 1:26 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

1 new result for **National labor relations board**

[National business briefs for April 21.](#)

NewsOK.com

The **National Labor Relations Board** complaint filed Wednesday quotes public statements by Boeing executives saying they put the plant in South Carolina in part to avoid future labor disruptions. A hearing before an administrative law judge is planned ...

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Thursday, April 21, 2011 4:08 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

1 new result for **National labor relations board**

[PRESS DIGEST - New York Times business news - April 21](#)

Reuters

In what may be the strongest signal yet of the new pro-labor orientation of the **National Labor Relations Board** under President Obama, the agency filed a complaint Wednesday seeking to force Boeing Co to bring an airplane production line back to its ...

[See all stories on this topic »](#)

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Thursday, April 21, 2011 8:26 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

2 new results for **National labor relations board**

[Boeing to fight complaint over 787 plant](#)

Bizjournals.com

Aerospace giant Boeing vowed to fight a **National Labor Relations Board** complaint lodged by one of its labor unions that challenges the aircraft maker's 2009 decision to establish a second assembly line in South Carolina for the 787 Dreamliner, ...

[See all stories on this topic »](#)

[Freshmen learn D.C. ways quickly](#)

Seattle Post Intelligencer

Once in office, he introduced a measure that would prevent the **National Labor Relations Board** from certifying a labor organizing vote that wasn't conducted through a secret ballot. Rep. Andy Harris (R-Md.) is also emerging as a labor nemesis - even ...

[See all stories on this topic »](#)

Tip: Use a minus sign (-) in front of terms in your query that you want to exclude. [Learn more](#).

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[Create](#) another alert.

[Manage](#) your alerts.

Microsoft Outlook

From: Kearney, Barry J.
Sent: Thursday, April 21, 2011 8:40 AM
To: Ahearn, Richard L.
Subject: FW: today's wsj coverage
Attachments: image001.jpg

From: Willen, Debra L
Sent: Thursday, April 21, 2011 8:36 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: today's wsj coverage

Wall Street Journal April 21, 2011

Boeing to Fight Order to Move 787
By [MELANIE TROTTMAN](#)

The National Labor Relations Board Wednesday said aircraft maker [Boeing](#) Co. violated federal labor law by building a second production line for its 787 Dreamliner at a non-union factory in South Carolina, siding with union workers in Washington State who charged the decision was retaliation for their past strikes.

The Chicago company called the NLRB's complaint "legally frivolous" and a "radical departure" from precedents. It said it will fight the complaint, which was sought by the International Association of Machinists and Aerospace Workers union.

The NLRB's action comes amid a broad conflict over the role of unions in the economy. Unions have responded to setbacks in the 2010 elections, which put Republicans in charge of the U.S. House of Representatives and in state houses around the country, by pressing the Obama administration and the majority Democrat NLRB to favor union positions.

President Barack Obama also has been trying to cultivate business leaders by promising to review and possibly roll back regulation, and doing more to help U.S. companies boost exports. Boeing is a big U.S. exporter.

[View Full Image](#)



Agence France-Presse/Getty Images

Boeing plans to build the 787 Dreamliner, shown above in Washington state in March, at a non-union plant.

NLRB Acting General Counsel Lafe Solomon said that in repeated statements to employees and the media, Boeing executives cited the unionized employees' past strike activity and the possibility of future strikes as the overriding factors in deciding to locate the second production line at the nonunion facility. The comments were coercive and motivated by a desire to retaliate against workers for past strikes, while attempting to discourage future strike activity, the agency charged.

"A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Mr. Solomon said in a statement. "We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law."

Mr. Solomon proposed a board order that would require Boeing to operate the second production line in Washington State. Boeing said it is scheduled to begin assembling planes in July at the South Carolina facility, where more than 1,000 new workers have been hired.

John Raudabaugh, a former NLRB Republican member who represents companies for Washington, D.C., law firm Nixon Peabody LLP, said Boeing executives should have been more measured with their words. "I think it's unfortunate if they said it the way it has been reported," he said. "They should have offered up a cost-related explanation," Mr. Raudabaugh said.

Sen. Lindsey Graham (R., S.C.) attacked the NLRB in a statement, saying that if the board's action is upheld it would "allow unions to hold a virtual 'veto' over business decisions." Mr. Graham said the NLRB is trying to punish states such as South Carolina where unions are relatively weak, and he said he'd seek legislation to cut off funding for "this wild goose chase."

Joe Trauger, a vice president at the National Association of Manufacturers, said the NLRB's decision sends a message that companies with union representation can't expand in right-to-work states. If the complaint succeeds "no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," he said.

The board is reversing decades of its own precedent and Supreme Court rulings to "advance its agenda to expand unionization," Mr. Trauger said. "If the IAM and NLRB succeed in their complaint, no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," Mr. Trauger said. IAM Vice President Rich Michalski, whose union represents more than 35,000 Boeing workers, praised the decision, saying Boeing "needs to rethink its strategy of repeatedly alienating its most valuable asset: the highly-skilled workers who build Boeing aircraft."

The NLRB said it plans to hold a hearing June 14 before an NLRB administrative judge in Seattle "absent a settlement between the two parties."

Boeing said it held "extensive" talks with the Machinists about potentially placing the additional production in Washington. But that failed amid demands "that would have hampered the company's competitiveness in the increasingly competitive global market for large commercial airplanes," the company said.

Boeing said the Machinists ultimately have suffered no job losses from the decision because the company has increased employment in the Puget Sound area by about 2,000 workers since deciding to expand in South Carolina in October 2009.

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Subject: NY Times coverage

New York Times

April 20, 2011

Labor Board Tells Boeing New Factory Breaks Law

By [STEVEN GREENHOUSE](#)

In what may be the strongest signal yet of the new pro-labor orientation of the [National Labor Relations Board](#) under [President Obama](#), the agency filed a complaint Wednesday seeking to force [Boeing](#) to bring an airplane production line back to its unionized facilities in Washington State instead of moving the work to a nonunion plant in South Carolina.

[In its complaint](#), the labor board said that Boeing's decision to transfer a second production line for its new [787 Dreamliner](#) passenger plane to South Carolina was motivated by an unlawful desire to retaliate against union workers for their past strikes in Washington and to discourage future strikes. The agency's acting general counsel, Lafe Solomon, said it was illegal for companies to take actions in retaliation against workers for exercising the right to strike.

Although manufacturers have long moved plants to nonunion states, the board noted that Boeing officials had, in internal documents and news interviews, specifically cited the strikes and potential future strikes as a reason for their 2009 decision to expand in South Carolina.

Boeing said it would "vigorously contest" the labor board's complaint. "This claim is legally frivolous and represents a radical departure from both N.L.R.B. and [Supreme Court](#) precedent," said J. Michael Luttig, a Boeing executive vice president and its general counsel. "Boeing has every right under both federal law and its collective bargaining agreement to build additional U.S. production capacity outside of the Puget Sound region."

It is highly unusual for the federal government to seek to reverse a corporate decision as important as the location of plant.

But ever since a Democratic majority took control of the five-member board after Mr. Obama's election, the board has signaled that it would seek to adopt a more liberal, pro-union tilt after years of pro-employer decisions under President Bush.

Although the board has not yet issued many major decisions reversing Bush-era policies, it has begun requiring private sector employers to post a notice about workers' right to unionize, and Mr. Solomon has begun moving more aggressively to win reinstatement of union supporters fired illegally by management during unionization drives.

In a statement Wednesday, Mr. Solomon said: "A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act. We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law."

South Carolina's two senators, both Republicans, [Lindsey Graham](#) and [Jim DeMint](#), denounced the board's move. "This is nothing more than a political favor for the unions who are supporting President Obama's re-election campaign," Mr. DeMint said.

The labor board said that in 2007, Boeing announced plans to create a second production line that would make three 787 Dreamliner planes a month in the Puget Sound area to address a growing backlog of orders. That was to be in addition to a line already making seven Dreamliners a month there. In October 2009, Boeing said it would locate its second line at a new, nonunion plant in South Carolina.

The N.L.R.B. asserted that on numerous occasions Boeing officials had communicated an unlawful motive for transferring the production line, including an interview with The Seattle Times in which a Boeing executive said, "The overriding factor was not the business climate. And it was not the wages we're paying today. It was that we cannot afford to have a work stoppage, you know, every three years."

Mr. Solomon brought the complaint after a union representing many of Boeing's Washington workers, the [International Association of Machinists and Aerospace Workers](#), complained that Boeing had decided to move production to South Carolina largely in retaliation for a 58-day strike in 2008.

"Boeing's decision to build a 787 assembly line in South Carolina sent a message that Boeing workers would suffer financial harm for exercising their collective bargaining rights," said the union's vice president, Rich Michalski.

Mr. Solomon said that if he failed to settle the dispute, an administrative judge would begin hearing the case on June 14 in Seattle. Mr. Solomon said he was not seeking to close the South Carolina factory or prohibit Boeing from assembling planes there.

Boeing criticized the timing of the N.L.R.B.'s complaint, saying it came when construction of the factory in North Charleston, S.C., was nearly complete and after 1,000 employees had already been hired there.

Boeing said on Wednesday that none of the production jobs in South Carolina had come at the expense of jobs in Washington. It noted that its unionized employment in the Puget Sound area had increased by 2,000 since it announced its decision to expand in South Carolina.

The company also said it had decided to expand in South Carolina in part to protect business continuity and to reduce the damage to its finances and reputation from future work stoppages.

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[In Shot Heard Around Business World, Obama's **Labor Board** Issues Complaint ...](#)

Big Government

by LaborUnionReport On Wednesday, President Obama's union-controlled **National Labor Relations Board** issued a complaint against the Boeing Company that, if ruled in the union and **NLRB's** favor, may prove to have far-reaching consequences across the ...

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[The Public Mind vs. Public Sector Unions](#)

Arbitrage Magazine

So any legislation (eg, the National Labor Relations Act) or agency (eg, the **National Labor Relations Board**) that seeks to restrict a corporate "person's" freedom of speech, is unacceptable." The public needs to understand that when workers enter the ...

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[Haley talks about Boeing complaint](#)

WCBD

By Cleve Bryan Governor Nikki Haley and Senator Lindsey Graham decry decision by **National Labor Relations Board** to try keeping Boeing from building 787's in South Carolina. "This is the **NLRB** declaring war on Right to Work states," says South Carolina ...

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[Today in the Fortune 500: U.S. manufacturing is up](#)

Fortune (blog)

[Wall Street Journal] BUT THERE COULD BE A LABOR PROBLEM at Boeing. The **National Labor Relations Board** claims the company is moving the second production line for its 787 Dreamliner to South Carolina, a non-union state, to dodge worker strikes in its ...

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[NLRB ruling: A speed bump on the race to the bottom](#)

The Seattle Times

Excuse me for not getting hysterical over the **National Labor Relations Board** ruling that Boeing violated federal labor law by building a second 787 line at a non-union plant in South Carolina to retaliate against union workers here for past strikes. ...

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[Council Tells Reuters to Lay Off Union-Busting](#)

New York Observer

The letter comes after the **National Labor Relations Board** advised Thomson Reuters that it will charge the company with violating federal labor laws by illegally imposing rules that cut pay and benefits of employees. The council members also note that ...

[New York
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[The Newest **Labor** War: Union, Feds Attack Boeing](#)

RealClearPolitics

By Tom Bevan On Wednesday, the **National Labor Relations Board** filed a complaint against Boeing, seeking to prevent the aircraft manufacturer from opening a second production facility in Charleston, South Carolina for its new 787 Dreamliner. ...

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[Sens. Enzi, Hatch Were Right About Craig Becker, Radicalized **NLRB**](#)

Shopfloor

Mike Enzi (R-WY) and Orrin Hatch (R-UT) have led the opposition in the Senate to the President Obama's nomination and subsequent recess appointment of the former SEIU and AFL-CIO counsel Craig Becker to the **National Labor Relations Board**. ...

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[The Corner](#)

National Review Online

The **NLRB** wants to simply order Boeing to build a factory in Washington State and not South Carolina. From the Examiner: Can federal bureaucrats tell a private company where to build a factory? Members of President Obama's **National Labor Relations Board** ...

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[Libya War Drones On](#)

Fox News

Rich Michalski, vice president of the International Association of Machinists and Aerospace Workers, in a statement praising the **National Labor Relations Board** for trying to block Boeing from opening a new plant. The **National Labor Relations Board** is ...

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[Could complaint portend permanent 787 'surge' line? \(FlightBlogger\)](#)

Seattle Post Intelligencer (blog)

On the face of it, the **National Labor Relations Board's** implied settlement of its complaint about Boeing's decision to put its second 787 Dreamliner assembly line in South Carolina seems implausible. **NLRB** Acting General Counsel Lafe Solomon charged ...

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[Seattle Post
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[N2K Top 10: Obama in a Funk; Visiting Day](#)

National Journal

Business lobbyists and corporate lawyers are going ballistic over the **National Labor Relations Board's** stunning complaint against Boeing Corp. The **NLRB** says that Boeing illegally retaliated against its workers' right to strike by deciding to move ...

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[NLRB suit against Boeing asks return of state jobs](#)

The Wenatchee World Online

SEATTLE — Boeing was retaliating illegally against its largest union when it decided in 2009 to put a second 787 Dreamliner assembly line in a nonunion plant in South Carolina, the **National Labor Relations Board (NLRB)** charged in a complaint filed ...

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[Business Groups Blast NLRB Complaint Against Boeing](#)

IndustryWeek

Federal agency wants the aerospace manufacturer to remedy unfair labor practices charge with transfer of SC production line to Washington. By Jill Jusko Business community criticism of a **National Labor Relations Board** complaint filed against The Boeing ...

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[Labor and Employment: New NLRB Leadership Launches Pro-Labor Agenda](#)

Connecticut Law Tribune

By NICOLE A. BERNABO and RITA B. TRIVEDI Since her appointment in January 2009, **National Labor Relations Board** chair Wilma Liebman has not been shy in publicizing her pro-labor philosophy and promoting collective bargaining and the right of employees ...

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[Connecticut Law Tribune](#)

[Labor and Employment: NLRB Urged To Change Arbitration Deferral Policy](#)

Connecticut Law Tribune

By JEFF MOGAN The well-established "Olin standard," used by the **National Labor Relations Board** since 1984 to determine whether to defer to an arbitration award as the resolution of an unfair labor practice charge under Section 8(a)(1) and (3) of the ...

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[Connecticut Law Tribune](#)

[Boathouse labor rally draws public officials](#)

Crain's New York Business

The union has filed several complaints with the **National Labor Relations Board**. The **NLRB** said through a spokeswoman Friday that the complaints were "under review." City Councilwoman Melissa Mark-Viverito, who represents the district the Boathouse is ...

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[Obama administration's **labor** agency declares war on job creators](#)

The Hill (blog)

By Katie Gage - 04/25/11 01:29 PM ET "SC political leaders used words such as 'frivolous,' 'shameful' and 'ludicrous' Thursday to describe a **National Labor Relations Board** complaint against Boeing, which is building a \$750 million aircraft assembly ...

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[NLRB will sue Ariz., SD over union laws](#)

The Associated Press

WASHINGTON (AP) — The **National Labor Relations Board** says it will move ahead with lawsuits against Arizona and South Dakota over state constitutional amendments that require secret ballot elections to form unions. The move comes after weeks of ...

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[Boeing flies into South Carolina labor turbulence](#)

Salon

By Andrew Leonard The fact that Obama's **National Labor Relations Board** is likely to rule in favor of unions on a wide-ranging set of issues shouldn't surprise anyone. George W. Bush's Department of Labor was notorious for its anti-union stance. ...

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[Judge Grants Injunction to End NFL Lockout, Pending Appeal](#)

New York Times

... the bench indicating that she thought the players union had the right to dissolve itself and that it was within her purview to decide whether she could issue an injunction without having to cede jurisdiction to the **National Labor Relations Board**. ...

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[Labor Board Plans to Challenge Two States Over Union Election Rules](#)

New York Times

By STEVEN GREENHOUSE The **National Labor Relations Board** has told state officials that it will soon filed federal lawsuits against Arizona and South Dakota in an effort to invalidate those states' constitutional amendments that prohibit private-sector ...

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[Analysis: NFL labor fight a long way from over despite ruling](#)

USA Today

Nelson's ruling also rejected the NFL's claim that the case should defer to the **National Labor Relations Board**, with which the league filed a pending unfair labor practice charge. Quinn said he hopes the NFL will now "re-think" its position in ...

[USA Today](#)

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[The White House vs. Boeing: A Tennessee Tale](#)

Wall Street Journal

By LAMAR ALEXANDER The **National Labor Relations Board** has moved to stop Boeing from building airplanes at a nonunion plant in South Carolina. The Board suggests that a unionized American company cannot, without violating federal labor law, ...

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[Boeing and the NLRB](#)

New York Times

It may be a difficult case to prove, but the complaint filed last month by the **National Labor Relations Board** against Boeing is a welcome effort to defend workers' right to collective bargaining. The **NLRB** is accusing the company of setting up a ...

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[NLRB complaint defies legal and business logic](#) BY KENNETH T. LOPATKA

Charleston Post Courier

The **National Labor Relations Board's** complaint alleging that Boeing violated federal law by deciding to set up a second production line for 787 Dreamliners in North Charleston is an astonishingly misguided application of governing legal principles ...

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[SWS is Fighting Against Injustice](#)

The Emory Wheel

They discount overwhelming evidence to the contrary and have said that if there are problems, they can be solved by going through Sodexo itself or government agencies, like the **National Labor Relations Board (NLRB)**. Furthermore, administrators have ...

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TIME (blog)

–South Carolina Governor Nikki Haley, taking full advantage of her importance in a key primary state, calling on prospective Republican presidential candidates to acknowledge her dispute with the **National Labor Relations Board**.

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[Judge Blows the Whistle on NFL Lockout, Won't Wait for NLRB](#)

Courthouse News Service

"The downside of staying the action plainly outweighs whatever value this Court might derive from an **NLRB** decision - assuming the General Counsel will in fact proceed to file a Complaint rather than dismiss the League's charge - where the ensuing delay ...

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[We have a committee for that](#)

American Thinker (blog)

Translation; those big burly Union members got their feelings hurt and now big labor is asking the **National Labor Relations Board (NLRB)** to deny Boeing the right to build planes in the state of their choosing. If the **NLRB** (another committee) sides with ...

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It's nice to read one that supports the complaint.

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The New York Times



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[Editorial: Boeing and the N.L.R.B.](#)

Is a move to South Carolina a way to avoid unions or retaliation against them?

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A Message from Congressman Adam Smith April 22, 2011

Congressman Adam Smith (WA-09), Ranking Member of the House Armed Services Committee, released the following statement after the National Labor Relations Board issued a complaint against the Boeing Company alleging that it violated federal labor law during the decision-making process to transfer a second production line to South Carolina:

“I steadfastly support the collective bargaining rights of U.S. workers and hope that the complaint filed by the National Labor Relations Board (NLRB) against The Boeing Company is fully considered under the law. We must be vigilant in maintaining a business environment where workers can organize and negotiate without fear of intimidation or future retaliation.

“The Pacific Northwest is proud of Boeing and its role in the company’s long history of innovation and excellence in aerospace manufacturing. The global market for airplanes is an increasingly competitive arena where companies are forced to act in their best economic interests to remain successful. I encourage Boeing to work within the framework of the law as a global leader in aerospace manufacturing and technology. Boeing’s recent win of the \$35 billion Air Force refueling tanker contract attests that the company and unions can be incredibly successful when they work together.

“I look forward to a fair legal process and will be monitoring the upcoming June 14 NLRB hearing.”

If you have questions or comments, please contact Matt Perry, Deputy District Director, at: 253-593-6603 or via email at: matt.perry@mail.house.gov

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Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com

Schwerin Campbell Barnard Iglitzin & Lavitt
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[Bring federal **labor** law into the 21st century](#)

Washington Examiner

With card check as law and Obama putting labor favorites in all the key positions at the Department of Labor and **National Labor Relations Board**, surely the decline in union membership would be reversed. Instead, card check is a dead letter, ...

[See all stories on this topic »](#)

[The answer to Boeing's **labor** dispute](#)

Washington Post

By Steven Pearlstein, For high-stakes legal drama, it doesn't get much bigger than last week's filing by the **National Labor Relations Board** charging that Boeing's decision to open a big new production facility in union-phobic South Carolina was ...

[See all stories on this topic »](#)

[NLRB to sue Arizona over Prop. 113 "secret ballot" referendum](#)

Tucson Citizen

This was an anti-union "turn out our wingnut base" ballot measure that is preempted by federal labor law. Voters approved it anyway in 2010. The federal **National Labor Relations Board (NLRB)** immediately stepp...

[See all stories on this topic »](#)

[Recent NFL ruling could drastically alter NBA's **labor** strategy](#)

SI.com

The NBA would, in turn, follow the same script as the NFL: file an unfair labor practices charge with the **National Labor Relations Board (NLRB)** with the hope of preventing the union from decertifying. According to a report by CBSSports, ...

[See all stories on this topic »](#)

[Feds to sue Arizona over union voting](#)

AZ Central.com

by Ginger Rough - Apr. 26, 2011 03:45 PM The **National Labor Relations Board** plans to sue Arizona over a union-related ballot measure passed by the state's voters last November. Proposition 113 amended the Arizona Constitution, requiring workers who ...

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Tip: Use a minus sign (-) in front of terms in your query that you want to exclude. [Learn more.](#)

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Microsoft Outlook

From: noreply@washingtonpost.com
Sent: Tuesday, April 26, 2011 10:14 PM
To: Ahearn, Richard L.
Subject: =?ANSI_X3.4-1968?Q?WashPost:_The_answer_to_Boeing=3Fs_labor_dispute?=?

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This page was sent to you by: R.Ahearn personal email - Exemption 6 - Priv...

Message from sender:

[The answer to Boeing's labor dispute](#)

By

For high-stakes legal drama, it doesn't get much bigger than last week's filing by the National Labor Relations Board charging that Boeing's decision to open a big new production facility in union-phobic South Carolina was motivated by a desire to punish and intimidate the strike-prone union at its long-established plant in Seattle.

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Sent: Wednesday, April 27, 2011 12:09 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

3 new results for **National labor relations board**

[Boeing starts building in S.C.](#)

The Seattle Times

In a stunning move, the **National Labor Relations Board, NLRB**, a “neutral” government arbiter in labor/management disputes, has sued Boeing. Why? Because Boeing had the audacity to build a second production line in South Carolina, a “right-to-work” ...

[See all stories on this topic »](#)

[Nikki Haley Enlists Support In “Battle For Boeing”](#)

FITSNews

In a gratuitous assault on the free market last week, US President Barack Obama's appointees on the **National Labor Relations Board (NLRB)** concluded that Boeing's decision to build its second Dreamliner assembly plant in North Charleston, ...

[FITSNews](#)

[See all stories on this topic »](#)

[Lawmakers support Backus nurses' union right](#)

Norwich Bulletin

Nurses earlier filed at least one unfair labor practice complaint against the hospital, a case that is pending, said John Cotter, an administrator at the **National Labor Relations Board** in Hartford. There have been no recent complaints filed against the ...

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Microsoft Outlook

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To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

2 new results for **National labor relations board**

[Haley wants answers from White House on Boeing complaint](#)

Greenville News

Nikki Haley said she wants President Obama to answer questions about the **National Labor Relations Board's** complaint against Boeing's decision to build a new plant in the state, calling it an attack against South Carolina jobs. The National Labor ...

[See all stories on this topic »](#)

[Halt Obama's Power Grab](#)

Wheeling Intelligencer

But now the **National Labor Relations Board**, in a blatant payback to unions that helped elect Barack Obama president, is insisting there is no right to a secret-ballot union referendum. **NLRB** officials announced this week they are suing the states of ...

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Wednesday, April 27, 2011 7:34 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

2 new results for **National labor relations board**

[New York Times Seeks to Undermine NLRB's Pro-Union Actions - Apr 26](#)

Beyond Chron

by Randy Shaw, Apr. 26, 2011 In a recent three-day span, the New York Times ran two major stories accusing the **National Labor Relations Board** of taking an “activist stance” in filing an action against Boeing for seeking to move airplane production from ...

[See all stories on this topic »](#)

[NLRB targets Arizona and South Dakota in secret ballot lawsuit](#)

Ballot News

The **National Labor Relations Board** stated on April 22, 2011 that it will file lawsuits against Arizona and South Dakota over the 2010 voter-approved state constitutional amendments. The measures allow secret union ballots as fundamental rights to ...

[See all stories on this topic »](#)

Tip: Use a minus sign (-) in front of terms in your query that you want to exclude. [Learn more](#).

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Wednesday, April 27, 2011 10:41 AM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

2 new results for **National labor relations board**

[In Anti-Boeing Move, NLRB Rejects SC Jobs, Solar Energy](#)

Shopfloor

In an odd way, the **National Labor Relations Board's** unjustified complaint against Boeing for locating new production facilities in South Carolina reinforces how much the company is bringing to the Charleston area in terms of investment, jobs, ...

[Shopfloor](#)

[See all stories on this topic »](#)

[PAL stands firm on pursuing CBA, minus spin-off issue](#)

GMANews.TV

Appearing before the **National Labor Relations Commission** (NLRB), Jaime J. Bautista, PAL president and COO, reiterated the airline's position that the spin-off plan involving its catering, call center reservations and ground operations "is firm, ...

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Tip: Use a plus sign (+) to match a term in your query exactly as is. [Learn more](#).

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Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Wednesday, April 27, 2011 2:58 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

3 new results for **National labor relations board**

[Boeing Machinists: **Labor** complaint good for Charleston workers](#)

HeraldNet (blog)

Leaders for the local Machinists union say the **National Labor Relations Board** complaint against Boeing is a good thing for the company's workers in Charleston. Last week, the **NLRB's** general counsel issued a complaint against Boeing, saying the company ...

[See all stories on this topic »](#)

[National Labor Relations Board Sues States Over Secret Ballot Union Measure](#)

Fox News

Now the **National Labor Relations Board (NLRB)** is at it again, this time suing South Dakota and Arizona over an anti-union measure voters, not lawmakers, voters put through last November. That measure protects a worker's right to a secret ballot. ...

[See all stories on this topic »](#)

[No end to stalemate in NFL **labor** dispute](#)

Reuters

The NFL's lawyers asked for an immediate stay, arguing that the federal court had no jurisdiction on labor disputes because they were a matter for the **National Labor Relations Board**. The players then responded by asking Judge Nelson to clarify her ...

[Reuters](#)

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Microsoft Outlook

From: [REDACTED]
Sent: Wednesday, April 27, 2011 8:38 PM
To: Ahearn, Richard L.
Subject: seattletimes.com: S.C. Gov. Haley: GOP candidates should talk about unions, NLRB complaint against Boeing

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<http://www.seattletimes.com>.

S.C. Gov. Haley: GOP candidates should talk about unions, NLRB complaint against Boeing

South Carolina Gov. Nikki Haley said Wednesday she wants Republican presidential hopefuls, who will be debating in her state shortly, to address how they would deal with unions and a complaint filed by the National Labor Relations Board.

http://seattletimes.nwsources.com/html/localnews/2014893514_apscscgovernor1stldwritethru.html

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Microsoft Outlook

From: Cleeland, Nancy
Sent: Thursday, April 28, 2011 3:31 PM
To: Ahearn, Richard L.
Subject: letter from 9 states demanding we drop the complaint

We just got a letter from 9 states demanding that we withdraw the Boeing complaint. Thought you'd find it interesting.

Their letter to congress http://www.scattorneygeneral.org/newsroom/pdf/2011/4.28.11_Letter_to_Congress_2.pdf

Their letter to us
http://www.scattorneygeneral.org/newsroom/pdf/2011/4.28.11_NLRB_Letter_Formatted_with_Signatures.pdf

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov

Microsoft Outlook

From: Google Alerts [googlealerts-noreply@google.com]
Sent: Tuesday, July 12, 2011 4:03 PM
To: Ahearn, Richard L.
Subject: Google Alert - National labor relations board

News

1 new result for **National labor relations board**

[House Panel May Subpoena **NLRB** For Boeing Probe Documents -CNBC](#)

NASDAQ

The US House of Representatives Oversight and Government Reform Committee might subpoena the **National Labor Relations Board** if it doesn't hand over documents related to its investigation of a decision by Boeing Co. (BA) to open a plant in South ...

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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, July 12, 2011 4:23 PM
To: Pomerantz, Anne
Subject: Fw: Google Alert - National labor relations board

Sent from my BlackBerry Wireless Handheld

From: Google Alerts <googlealerts-noreply@google.com>
To: Ahearn, Richard L.
Sent: Tue Jul 12 16:02:37 2011
Subject: Google Alert - National labor relations board

News

1 new result for **National labor relations board**

[House Panel May Subpoena **NLRB** For Boeing Probe Documents -CNBC](#)

NASDAQ

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Microsoft Outlook

From: Finch, Peter G.
Sent: Tuesday, July 12, 2011 10:33 PM
To: Ahearn, Richard L.
Subject: Check Out This Article



CHECK OUT THIS ARTICLE

Your friend, peter.finch@nlrb.gov, thought you would be interested in this article from TheHill.com:

Issa wants more documents from NLRB in Boeing investigation - The Hill's Transportation Report

To enjoy more great articles visit us on TheHill.com

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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, July 12, 2011 11:48 PM
To: Finch, Peter G.
Subject: Re: Check Out This Article

Conversation with Celeste this p.m. We will politely decline.
R

Sent from my BlackBerry Wireless Handheld

From: Finch, Peter G.
To: Ahearn, Richard L.
Sent: Tue Jul 12 22:32:31 2011
Subject: Check Out This Article



CHECK OUT THIS ARTICLE

Your friend, peter.finch@nlrb.gov, thought you would be interested in this article from TheHill.com:

Issa wants more documents from NLRB in Boeing investigation - The Hill's Transportation Report

To enjoy more great articles visit us on TheHill.com

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Microsoft Outlook

From: Platt, Nancy
Sent: Wednesday, July 13, 2011 3:27 PM
To: Ahearn, Richard L.
Subject: RE: Boeing Team

Thanks, Rich.

Non-Responsive

Nancy

From: Ahearn, Richard L.
Sent: Wednesday, July 13, 2011 3:22 PM
To: Platt, Nancy; Flanagan, Kevin P.
Cc: Pomerantz, Anne
Subject: Boeing Team

Nancy and Kevin, Greetings and welcome!! We'll be in touch soon.
Rich

Richard L Ahearn
Regional Director, Region 19, Seattle
206 220 6310

Microsoft Outlook

From: Anzalone, Mara-Louise
Sent: Friday, April 22, 2011 11:34 PM
To: Ahearn, Richard L.
Subject: NYTimes: Labor Board Case Against Boeing Points to Fights to Come

The federal labor board has sought to reinterpret and more vigorously enforce the rules governing employers and employees. <http://nyti.ms/hca2dH>

M-L.A.

Microsoft Outlook

From: Pomerantz, Anne
Sent: Tuesday, May 03, 2011 6:27 PM
To: Ahearn, Richard L.; Anzalone, Mara-Louise; Finch, Peter G.
Subject: FW: May 3 -- BNA, Inc. Daily Labor Report - Latest Developments

FYI

From: BNA Highlights [mailto:bhighlig@bna.com]
Sent: Tuesday, May 03, 2011 1:55 PM
To: Pomerantz, Anne
Subject: May 3 -- BNA, Inc. Daily Labor Report - Latest Developments

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Latest Developments

GOP Senators Blast NLRB Boeing Complaint, Call for Acting General Counsel's Explanation

Posted May 3, 2011, 3:54 P.M. ET

The 10 Republican senators on the Senate Health, Education, Labor, and Pensions Committee told the National Labor Relations Board's Acting General Counsel Lafe E. Solomon today that they "strongly disagree" with his decision to issue an unfair labor practice complaint alleging that Boeing Co. illegally transferred airliner production from Washington to South Carolina, and they will expect a "greater explanation" of the action when Solomon's nomination to become general counsel is taken up by the committee.

In a [letter](#) to the acting general counsel signed by Ranking Member Michael B. Enzi (R-Wyo.) and the other nine Republicans on the committee, the senators said they question the "legal reasoning and motive behind the complaint" and the "chilling effect" that the case "may have on business decisions across the country."

The senators acknowledged that the NLRB proceeding against Boeing "is still in the early stages," but said "there is a need for the Board to explain the reasoning in this case to Congress."

A hearing before an NLRB administrative law judge currently is scheduled to begin June 14.

A full report will appear in the next issue of Daily Labor Report. Click [here](#) for the latest issue.

Ninth Circuit Rules SOX Does Not Protect Boeing Auditors' Disclosures to

Newspaper

Posted May 3, 2011, 3:56 P.M. ET

Two information technology auditors for Boeing Co. who were fired for providing internal company information and documents to a newspaper reporter cannot proceed with whistleblower claims under the Sarbanes-Oxley Act because the statute does not protect disclosures to the media, the U.S. Court of Appeals for the Ninth Circuit [ruled](#) today (*Tides v. Boeing Co.*, 9th Cir., No. 10-35238, 5/3/11).

Affirming summary judgment to Boeing, the Ninth Circuit said SOX, at 18 U.S.C. § 1514A(a)(1), specifically enumerate only three categories of recipients to whom employees of publicly traded companies may report conduct they believe constitutes fraud or a securities violation: federal regulatory and law enforcement agencies, members of Congress, and employee supervisors. "Members of the media are not included," the court said.

If Congress had intended to protect employee reports to the media, it would have added the media as a recipient category, the court said. Alternatively, it said, Congress could have drafted Section 1514A(a)(1) in a similar fashion to the Whistleblower Protection Act, which protects "any disclosure" of specified information without limiting the recipients of such information.

In so ruling, the Ninth Circuit rejected the employees' argument that reports to the media "may eventually 'cause information to be provided' to members of Congress or federal law enforcement or regulatory agencies."

Adopting such a "boundless interpretation" of SOX would mean that "virtually any disclosure to any person or entity would qualify as protected whistleblower activity, provided the information pertains to one of the statutorily-defined categories of unlawful conduct," the court said. "We decline to afford such an expansive meaning to the statutory language."

Judge Barry G. Silverman wrote the opinion of the court, joined by Judges Andrew J. Kleinfeld and A. Wallace Tashima.

A full report will appear in the next issue of Daily Labor Report. Click [here](#) for the latest issue.

Administrator Only Required to Look at Plan in Denying Benefit Claim, Sixth Circuit Says

Posted May 3, 2011, 4:46 P.M. ET

The plan administrator for a transportation union's income protection program did not act arbitrarily and capriciously in violation of the Employee Retirement Income Security Act when it denied income replacement benefits to a plan participant who was fired from his job for insubordination, the U.S. Court of Appeals for the Sixth Circuit [ruled](#) today (*Farhner v. United Transp. Union Discipline Income Prot. Program*, 6th Cir., No. 09-4431, 5/3/11).

Affirming a lower court decision, the Sixth Circuit found that the express language of the United Transportation Union Discipline Income Protection Program (DIPP) supported the benefit denial. Under the plan, participants are ineligible for benefits if they have been suspended or discharged for certain behavior, including insubordination.

In a decision by Judge Curtis L. Collier, the court rejected the participant's argument that the administrator should have looked beyond the terms of the plan to consider whether his

discharge was proper. The court said the plan administrator was not required to look beyond the plan language as it was unambiguous and did not require the administrator to do so.

The case involved Mark Farhner, a trackman and conductor for Kansas City Southern Railway who was fired for insubordination during a dispute over whether he was entitled to take medical leave under the Family and Medical Leave Act. His claim for DIPP benefits from the union was denied under a plan exclusion barring benefits for employment discharges resulting from insubordination. He sued the DIPP plan, claiming violation of ERISA.

A full report will appear in the next issue of Daily Labor Report. Click [here](#) for the latest issue.

Divided Court Revives State Law Age Bias Claim of RIF'd Employee

Posted May 3, 2011, 3:58 P.M. ET

A graphic artist terminated at age 57 during a reduction in force by a packaging company raised a triable age discrimination claim under Missouri state law even though he has no federal Age Discrimination in Employment Act claim, a divided U.S. Court of Appeals for the Eighth Circuit [ruled](#) May 2 (Clark v. Matthews Int'l Corp., 8th Cir., No. 10-1037, 5/2/11).

In a 2-1 decision, an Eighth Circuit panel granted Matthews International Corp.'s petition to rehear Eddy Clark's claim under the Missouri Human Rights Act, which the appeals panel earlier had ordered dismissed without prejudice in its December 2010 decision affirming that Clark lacked a triable age discrimination claim under the ADEA. A federal district court had granted Matthews summary judgment on the state law age bias claim as well.

But rather than affirm summary judgment on the MHRA claim, the Eighth Circuit majority ruled that Clark's evidence presents a jury issue of age discrimination under state law, which requires plaintiffs to show age was a "contributing factor" in an adverse employment action. In contrast, the U.S. Supreme Court has interpreted the federal ADEA to require that plaintiffs show age was the "but for" cause or determining factor in an adverse action.

Although Clark lacks a triable ADEA claim, "it does not necessarily follow from this conclusion that Clark's evidence does not create a triable issue of fact regarding whether Clark's age contributed to the adverse employment actions taken against him for purposes of the MHRA," Judge Michael J. Melloy wrote for the majority. "On this record, we could not say that it would be unreasonable for a jury to conclude that Clark's age played a part in producing the adverse employment actions he alleges."

In dissent, Judge Steven M. Colloton observed "there is considerable irony" in the court's granting Matthews's petition to reconsider the state law issue over Clark's opposition and then ruling that the employer must stand trial under the MHRA. The dissent would hold that the Eighth Circuit got it right the first time when it declined supplemental jurisdiction over the MHRA claim, leaving it up to Clark whether to pursue the matter in state court. Even assuming the federal court has jurisdiction, summary judgment was properly granted on Clark's state law claim because his evidence does not suggest age was even a contributing factor in the RIF decision, Colloton said.

A full report will appear in the next issue of Daily Labor Report. Click [here](#) for the latest issue.

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Microsoft Outlook

From: Anzalone, Mara-Louise
Sent: Tuesday, July 12, 2011 8:59 PM
To: Pomerantz, Anne
Subject: Congressional Inquiry/Subpoena

This sounds like it is going a lot faster than Jose projected, no? Have we sent them anything yet?

<http://www.bloomberg.com/news/2011-07-12/house-oversight-panel-may-subpoena-nlrb-for-boeing-documents.html>

Microsoft Outlook

From: Baniszewski, Joseph
Sent: Sunday, April 11, 2010 3:27 PM
To: Ahearn, Richard L.
Subject: Re: Boeing Unfair Labor Practice Charges

Thanks, quite the group, I'm interested in attending - what's the topic?

Joe

Sent from my BlackBerry Wireless Handheld

From: Ahearn, Richard L.
To: Baniszewski, Joseph
Sent: Sun Apr 11 15:07:38 2010
Subject: Fw: Boeing Unfair Labor Practice Charges

FYI...in case you're here by then.
Rich

Sent from my BlackBerry Wireless Handheld

From: David Campbell <campbell@workerlaw.com>
To: David Campbell <campbell@workerlaw.com>; Ahearn, Richard L.
Cc: Corson Christopher <ccorson@iamaw.org>; mblondin@iamaw.org <mblondin@iamaw.org>; tomw@iam751.org <tomw@iam751.org>; Carson Glickman-Flora <flora@workerlaw.com>; Kathy Barnard <barnard@workerlaw.com>; Jude Bryan <bryan@workerlaw.com>
Sent: Sun Apr 11 14:48:00 2010
Subject: RE: Boeing Unfair Labor Practice Charges
Director Ahearn, Thank you for taking the time to meet with us. This will confirm our meeting Monday April 12 at your offices at 2:30 PM. Attendees will include Rich. Michalski, General Vice President of the IAM, Chris Corson, General Counsel for the IAM, Tom Wroblewski, President of IAM District Lodge 751, Mark Blondin, the IAM National Boeing Coordinator, my partner, Carson Glickman-Flora and myself. We look forward to our meeting.

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com
18 W Mercer Suite 400
Seattle, Washington 98119-3971
Phone (206)285-2828: FAX (206)378-4132
This communication is protected by the attorney client and attorney work-product privileges. Please do not copy, forward or append.

From: David Campbell
Sent: Friday, April 02, 2010 10:25 AM
To: Ahearn, Richard L.

Cc: Corson Christopher; Mark Blondin (mblondin@iamaw.org); tomw@iam751.org; Carson Glickman-Flora; Kathy Barnard; Jude Bryan
Subject: Boeing Unfair Labor Practice Charges

Director Ahearn, We propose to meet with you and your staff regarding the latest Boeing charges at 1:30 PM on April 12, 2010 at your offices. Please advise if this will work with your schedule.

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com

18 W Mercer Suite 400

Seattle, Washington 98119-3971

Phone (206)285-2828; FAX (206)378-4132

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Microsoft Outlook

From: Baniszewski, Joseph
Sent: Sunday, April 11, 2010 4:38 PM
To: Ahearn, Richard L.
Subject: Re: Boeing Unfair Labor Practice Charges

Something to do with the new, huge production facility in South Carolina?
Joe

Sent from my BlackBerry Wireless Handheld

From: Ahearn, Richard L.
To: Baniszewski, Joseph
Sent: Sun Apr 11 15:32:27 2010
Subject: Re: Boeing Unfair Labor Practice Charges

Don't know; they're outlining a charge they're about to file. From the lineup, they consider it damn important.
R

Sent from my BlackBerry Wireless Handheld

From: Baniszewski, Joseph
To: Ahearn, Richard L.
Sent: Sun Apr 11 15:27:03 2010
Subject: Re: Boeing Unfair Labor Practice Charges

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Cc: Corson Christopher <ccorson@iamaw.org>; mblondin@iamaw.org <mblondin@iamaw.org>; tomw@iam751.org <tomw@iam751.org>; Carson Glickman-Flora <flora@workerlaw.com>; Kathy Barnard <barnard@workerlaw.com>; Jude Bryan <bryan@workerlaw.com>
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Thanks, Dave

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campbell@workerlaw.com

18 W Mercer Suite 400

Seattle, Washington 98119-3971

Phone (206)285-2828: FAX (206)378-4132

This communication is protected by the attorney client and attorney work-product privileges. Please do not copy, forward or append.

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Friday, April 23, 2010 4:52 PM
To: Baniszewski, Joseph
Subject: FW: The Boeing Company, Case 19-CA-32431
Attachments: 2010-04-23 boeing - letter to d todd 19-CA-32431.PDF

FYI

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

From: Todd, Dianne
Sent: Friday, April 23, 2010 1:46 PM
To: Jablonski, Colleen G.; Ahearn, Richard L.
Subject: FW: The Boeing Company, Case 19-CA-32431

FYI

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

From: Hankins, Richard [mailto:rhankins@mckennalong.com]
Sent: Friday, April 23, 2010 11:40 AM
To: Todd, Dianne
Cc: Clarke, Joan C; Lunt, Drew
Subject: The Boeing Company, Case 19-CA-32431

Ms. Todd,

Attached is Boeing's response to your letter of April 16, 2010. I would appreciate the opportunity to speak with you on Monday about the status of the investigation and the plans going forward.

Have a great weekend.

<<2010-04-23 boeing - letter to d todd 19-CA-32431.PDF>>

Richard B. Hankins
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, Ga 30308
Tel: 404.527.8372 | Fax: 404.527.4198 | rhankins@mckennalong.com

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This document is fully redacted. ID: 0.7.42.1160912.1

Microsoft Outlook

From: Baniszewski, Joseph
Sent: Friday, September 10, 2010 6:17 PM
To: Ahearn, Richard L.
Subject: Oh well!

Rich,
This is probably what the Appeals memo will say if Advice dismisses your Boeing charge.
Have a great weekend,
Joe

Sent from my BlackBerry Wireless Handheld

Microsoft Outlook

From: Baniszewski, Joseph
Sent: Tuesday, November 09, 2010 11:20 AM
To: Ahearn, Richard L.
Subject: FW: Slate Article: The Boeing Co.

FYI, "what can the United States government do to help Boeing?"

From: joebaniszewski@verizon.net [mailto:joebaniszewski@verizon.net]
Sent: Sunday, November 07, 2010 4:29 PM
To: Baniszewski, Joseph
Subject: Slate Article: The Boeing Co.



Joe has sent you an article from **Slate**.

From Slate



exports

An advertisement for VClean Air Duct Cleaning. The headline is "Breathe Easier In Your Home! Air Duct Cleaning". The price is "\$69.95" with a "value" of "\$165". It includes "10 Vents, 1 Return and 1 Main!". There is a photo of a dirty air vent. The VClean logo is at the bottom left, and a BBB A+ Rating is at the bottom right. The text "see site for details" is in the middle right.

The Boeing Co.

How can America's biggest exporter get foreign airlines to buy more planes? And what can the U.S. government do to help?
By Martha C. White

Posted Monday, Nov. 1, 2010, at 10:30 AM ET

There's no way to discuss American exports without also discussing Boeing. Calling the Chicago-based airplane manufacturer *big* is like calling Facebook *popular*: It's correct, but it doesn't indicate the magnitude of the thing. With

exports of just under \$29 billion in 2009, Boeing made up 1.8 percent of our country's exports all by itself. Unlike many manufacturers who sell to overseas markets by building factories in the destination countries, Boeing's roughly 160,000-strong labor force is almost entirely domestic. While plenty of American companies have had success building factories overseas and staffing them with locals, Boeing is an outlier—luckily for workers within U.S. borders. Planes are much more complicated to make than, say, cars, and with dozens instead of hundreds of units going to each country, it wouldn't make sense to build manufacturing facilities overseas. Boeing estimates that its \$32.7 billion supply chain is indirectly responsible for 1.2 million American jobs.

Boeing also buys components from foreign suppliers, usually in the hopes of winning orders for completed aircraft from the country the parts come from. It's a delicate balance, though; earlier this year, [Boeing conceded](#) that an overreliance on outsourcing critical parts like the wings and the fuselage of the forthcoming giant 787 generated delay-causing complications. Economists like Barry Bosworth of the Brookings Institution say this is a reflection of decisions faced by other U.S. manufacturers of machinery and heavy equipment. Outsourcing might be a cheaper route, but not if those savings are eaten up by timeline and cost overruns to fix mistakes made by overseas workers due to lower skill levels or miscommunication.

With such enormous investments at stake, Boeing constantly has to ask the question: How do you get foreign airlines to buy more planes? It takes a different strategy than selling jeans or even cars. The company also does a brisk business selling military planes, but those sales are almost entirely domestic. Warming relations with emerging markets like India may yield additional military sales for Boeing in the future, but for now, exports consist almost entirely of commercial passenger and cargo jets.

Part of Boeing's strategy for growing its export business is to be a cheerleader for American exports in general and small business exports in particular. (Boeing's CEO, James McNerney, heads up the [President's Export Council](#).) When small firms have to get their goods from Akron, Ohio, to Auckland, New Zealand, they're not using a huge, slow boat packed with shipping containers. Instead, they're probably going to send them by air, says Michael Warner, senior manager of market analysis at Boeing, who predicts that by next year, air cargo shipments will be back up to 2007 levels. Yes, shipping by air is pricier, but the wide embrace of just-in-time inventory management means recipients want their goods promptly. Besides, a small company getting paid on delivery could run out of operating capital in the time it takes a boat to make it halfway around the world.

Another boon for Boeing is that passenger traffic in emerging markets is growing. In 2010, air travel globally was up just under 8 percent; in China, though, it was up 22 percent, and up 20 percent in both the Middle East and India. Much of that growth is on domestic, intra-country flights, which has boosted demand for Boeing's workhorse, the 110- to 180-seat 737. The 737 is a great product for Boeing, both because it's a good size for domestic flights and because it's such a common model (the company cranks out 31 each month). The 737's ubiquity makes it comparatively easy to buy, fix, staff, lease, and—most important—finance, since a plane model in high demand with users all over the world is good collateral.

Boeing gets a lot of support from the Export-Import Bank (widely known as the Ex-Im Bank), which helps foreign buyers finance their purchases. When traditional sources of credit dried up in the recession, the Ex-Im Bank became the lender of last resort for many of Boeing's overseas clients, says Richard Aboulafia, vice president at the Teal Group, an aeronautics analysis company. Traditionally, Europe's counterparts to our Ex-Im Bank refused to finance U.S. airlines seeking to buy Airbus planes, and the Ex-Im Bank did the same for European carriers that wanted to purchase Boeing jets. When there were only two commercial airplane manufacturers, and when the major airlines were concentrated in the United States and Western Europe, this arrangement was fine, because none of the competing airlines had access to preferential financing.

U.S. airlines [objected](#) to the Ex-Im Bank's intervention in the wake of the financial crisis, saying it put them at a competitive disadvantage, because at least some of the rapidly growing foreign airlines whose appetite for planes was keeping aircraft makers in the black (Emirates Airlines is a prime example) are targeting a customer base that includes American travelers. Some people object more broadly to the Ex-Im's raison d'être, calling export financing a backdoor subsidy with U.S. tax dollars. In the case of aircraft, though, there's not a huge risk; buyers do pay interest, and planes are pretty solid collateral.

the event of a default.

While the current status quo is good for Boeing (cheaper financing means it can sell more planes), there are longer-term implications here that make the company receptive to changes in financing agreements: Canada's Bombardier will have a 130-seat jet on the market in just three years; Brazilian and Chinese competitors are less than a decade behind; and Boeing doesn't want to see U.S. airlines getting cut-rate interest to finance foreign-made jets. Earlier this year, Boeing and competitor Airbus [argued](#) that Bombardier's forthcoming model should be classified in a way that wouldn't allow purchase to obtain financing from Ex-Im Bank.

While a commercial jet costs anywhere between \$40 million and \$200 million, the cost of fuel is, in fact, a bigger issue for airlines. It's risen to become airlines' highest fixed cost, eating up 30 percent to 40 percent of their operating budgets, even with hedging. It's Boeing's job to come up with jets that burn less fuel, which it's aiming to do with its forthcoming 787 series through extensive use of composite materials instead of aluminum. Rollout of the 290-seat 787 has been delayed several times, and it is currently scheduled to take to the air sometime in the first quarter of next year. (All Nippon Airways is the first customer.) Boeing's Warner says the 787 will consume 20 percent less fuel than the planes it replaces, but that ambitious goal is part of what's causing the delay; engineers have gone through rounds of tweaking and retesting to make the 787 lighter and use lighter-weight materials in construction. Howard Rubel, an analyst with investment company Jeffries, suggests that the government could step in with tax credits or other incentives to further R&D efforts, for Boeing as well as the network of smaller companies that manufacture aircraft components.

Boeing is also pursuing the use of alternative energy, such as biofuels. There are hurdles: Manufacturers have to make sure the fuel won't freeze solid when it's 40,000 feet up in the air; making sure eco-petrol doesn't come from or compete with food crops is another concern. A weedy-looking flowering plant called camelina currently looks like the best shot at success. The U.S. Navy and Air Force have both run [test flights](#) using oil extracted from the plant. At issue is the production cost of a fuel with currently nonexistent demand. Boeing wants the military to generate demand and essentially start a market for the fuel by contracting to use it in their planes.

In other words, there are a number of things the U.S. government could do that could help Boeing sell more planes overseas—actions that wouldn't draw the accusations of subsidies that Boeing and Airbus regularly level at each other. Airbus is the Joker to Boeing's Batman. The two hold a duopoly on the world's large-jet market, and each engages in clever maneuvering to eke out an edge. Boeing has lost ground to Airbus in recent years, a situation that has intensified their rivalry, although [analysts predict](#) this balance will shift in favor of Boeing once the 787 arrives. Neither company is shy about arm-twisting their respective government officials for tax breaks, R&D grants, low-interest loans, and the like, the other blowing the whistle on their rival when it receives the same.

Five years ago, the United States accused Airbus of benefiting unfairly from cut-rate loans used to fund the launch of Airbus's 525-seat A380 double-decker jet. A day later, the European Union retaliated by charging that Washington gave Boeing a leg up by lavishing it with tax breaks, defense contracts, and research money through ties with NASA. The World Trade Organization, recognizing the unique nature of aeronautics and the huge amount of capital required, would probably prefer to ignore most of the government support Boeing and Airbus receive.* In both of these recent cases, the accusing governments forced the WTO's hand. In separate rulings earlier this year, the WTO found both aircraft manufacturers had received what amounted to [illegal subsidies](#).

It's not that the subsidies don't help. They certainly do. Industry analysts like Hans Weber, president of aviation consulting firm TECOP International, attribute Airbus' current lead in the superjumbo category to the [largesse of European governments](#). The problem is that fighting about subsidies weakens both parties. Analysts expect both sides to eventually come to some kind of settlement, the result of which could be an opening of the market for emerging rivals. The 21st century's growing globalization creates challenges as well as opportunity for the U.S.'s largest exporter.

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Correction, Nov. 1, 2010: This article originally misused the term avionics in place of aeronautics. ([Return](#) to the correct sentence.)

Martha C. White is a freelance writer in New York.

Article URL: <http://www.slate.com/id/2272827/>

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Microsoft Outlook

From: Baniszewski, Joseph
Sent: Tuesday, November 16, 2010 8:29 PM
To: Ahearn, Richard L.
Subject: RE: Boeing

Rich,

We can talk tomorrow, having you travel to DC for a meeting is an excellent idea. If the "Kilberg" referred to below is William Kilberg with Gibson Dunn, I believe he was Solicitor of Labor back in the day, maybe under Reagan or Bush 1. I had some dealings with him after his DOL time and thought he was an honorable and practical lawyer.

What airplane fire? And who behaved boorishly?

Baffled in Baltimore,

Joe

From: Ahearn, Richard L.
Sent: Tuesday, November 16, 2010 6:27 PM
To: Baniszewski, Joseph
Subject: FW: Boeing

Joe, Let's discuss ...Barry spoke to Lafe and they apparently agree I should come in.
Many thanks.
Rich

From: Kearney, Barry J.
Sent: Monday, November 15, 2010 11:27 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L; Ahearn, Richard L.; Omberg, Bob; Katz, Judy
Subject: Boeing

Talked to Kilberg and Boeing can't make the dates I gave him because of the airplane fire. It is now scheduled for Monday December 13 @ 2:00pm. Kilberg also apologized for the boorish behavior of his client.

Microsoft Outlook

From: Baniszewski, Joseph
Sent: Wednesday, November 17, 2010 5:47 PM
To: Roberts, Crystal
Cc: Ahearn, Richard L.; Snook, Dennis
Subject: Fw: Boeing - Ahearn travel to DC

Crystal, please send a travel order number to R-19 RD Rich Ahearn, traveling to Washington Dec 12 thru Dec 14.
Thanks and please let me know if you have questions,
Regards,
Joe

Sent from my BlackBerry Wireless Handheld

From: Siegel, Richard A.
To: Baniszewski, Joseph
Cc: Levin, Nelson
Sent: Wed Nov 17 17:05:48 2010
Subject: RE: Boeing - Ahearn travel to DC

Of course

From: Baniszewski, Joseph
Sent: Wednesday, November 17, 2010 3:57 PM
To: Siegel, Richard A.
Cc: Levin, Nelson
Subject: FW: Boeing - Ahearn travel to DC

Rick, would you please authorize a travel order for Rich Ahearn for December 12 through 14, 2010, so he can attend a meeting scheduled here in Headquarters on December 13 with Advice, the GC and lawyers representing Boeing.

Thanks,

Joe

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Microsoft Outlook

From: Baniszewski, Joseph
Sent: Thursday, November 18, 2010 10:16 AM
To: Roberts, Crystal; Ahearn, Richard L.
Cc: Snook, Dennis
Subject: RE: Boeing - Ahearn travel to DC

Thanks Crystal,

Joe

From: Roberts, Crystal
Sent: Thursday, November 18, 2010 8:26 AM
To: Ahearn, Richard L.
Cc: Baniszewski, Joseph
Subject: FW: Boeing - Ahearn travel to DC

This is your Travel Order number and CDC number.
TO # 60-11-22-053a and CDC # 3036

From: Baniszewski, Joseph
Sent: Wednesday, November 17, 2010 5:47 PM
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Cc: Ahearn, Richard L.; Snook, Dennis
Subject: Fw: Boeing - Ahearn travel to DC

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Subject: Boeing

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Microsoft Outlook

From: XRX-Ops_Mgmt@nlrb.gov
Sent: Tuesday, May 03, 2011 11:02 AM
To: Bridge, Diane L.
Subject: Scan from a Xerox WorkCentre
Attachments: DOC.PDF

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: HQ 10th Floor\ Operations Management
Device Name: XRX-Ops_Mgmt

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Watch**
*Because no one
is above the law!*

May 2, 2011

VIA CERTIFIED MAIL & FACSIMILE

Jacqueline Young
FOIA Officer
National Labor Relations Board
1099 14th Street, N.W., Room 10600
Washington, D.C. 20570



Re: Freedom of Information Act Request

Dear Ms. Young:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the National Labor Relations Board produce the following within twenty (20) business days:

1. Any and all communications with the White House relating to Boeing's plan to open a manufacturing plant in South Carolina.
2. Any and all communications with Boeing relating to their plan to open a manufacturing plant in South Carolina.
3. Any and all communications with the International Association of Machinists and Aerospace Workers relating to Boeing's plan to open a manufacturing plant in South Carolina.
4. Any and all communications with the American Federation of Labor – Congress of Industrial Organization (AFL-CIO) relating to Boeing's plan to open a manufacturing plant in South Carolina.

The time frame for this request runs from March 27, 2010 to April 21, 2011.

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA... The presumption of

National Labor Relations Board

May 2, 2011

Page 2 of 4

disclosure should be applied to all decisions involving FOIA.¹

President Obama adds that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purposes of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data compilations from which information can be obtained; and (5) any materials using other means of preserving thought or expression.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Judicial Watch has also been recognized as a member of the news media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Judicial Watch regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act," January 21, 2009; <http://www.whitehouse.gov/the_press_office/FreedomofInformationAct>

May 2, 2011

Page 3 of 4

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

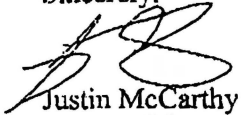
National Labor Relations Board

May 2, 2011

Page 4 of 4

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-646-5172 or jmccarthy@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Justin McCarthy
Judicial Watch

Microsoft Outlook

From: Bridge, Diane L.
Sent: Tuesday, May 03, 2011 3:44 PM
To: Kearney, Barry J.
Subject: FW: Scan from a Xerox WorkCentre
Attachments: DOC.PDF

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

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Attachment File Type: PDF

WorkCentre Location: HQ 10th Floor\ Operations Management
Device Name: XRX-Ops_Mgmt

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May 2, 2011

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National Labor Relations Board

May 2, 2011

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Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Judicial Watch has also been recognized as a member of the news media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Judicial Watch regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

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May 2, 2011

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shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

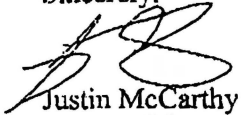
National Labor Relations Board

May 2, 2011

Page 4 of 4

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-646-5172 or jmccarthy@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Justin McCarthy
Judicial Watch

Microsoft Outlook

Subject: Boeing meeting w/ Advice
Start: Wed 11/10/2010 2:30 PM
End: Wed 11/10/2010 3:30 PM
Recurrence: (none)

Microsoft Outlook

Subject: Discuss Boeing before meeting w/ Co.
Location: Barry's office

Start: Wed 11/10/2010 1:30 PM
End: Wed 11/10/2010 2:30 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Required Attendees: Farrell, Ellen; Willen, Debra L; Szapiro, Miriam; Kearney, Barry J.

Microsoft Outlook

Subject: Boeing w/ GC

Start: Wed 12/15/2010 10:00 AM
End: Wed 12/15/2010 11:00 AM

Recurrence: (none)

Microsoft Outlook

Subject: boeing

Start: Thu 1/20/2011 11:00 AM
End: Thu 1/20/2011 12:00 PM

Recurrence: (none)

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Wednesday, April 20, 2011 12:04 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen
Subject: Boeing Complaint
Attachments: CPT.19-CA-032431.Boeing 4-20-2011 Complaint and Not Hrg.pdf

Signed and sent to the attorneys for Boeing and the IAM.
Rich

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

THE BOEING COMPANY

and

Case 19-CA-32431

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS
DISTRICT LODGE 751, affiliated with
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS

COMPLAINT AND NOTICE OF HEARING

International Association of Machinists and Aerospace Workers District Lodge No. 751 ("Local 751" or the "Union"), affiliated with International Association of Machinists and Aerospace Workers ("IAM"), has charged in Case 19-CA-32431 that The Boeing Company ("Respondent" or "Boeing"), has been engaging in unfair labor practices as set forth in the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*

Based thereon, the Acting General Counsel of the National Labor Relations Board (the "Board"), by the undersigned, pursuant to § 10(b) of the Act and § 102.15 of the Board's Rules and Regulations, issues this Complaint and Notice of Hearing and alleges as follows:

1.

The Charge was filed by the Union on March 26, 2010, and was served on Respondent by regular mail on or about March 29, 2010.

2.

(a) Respondent, a State of Delaware corporation with its headquarters in Chicago, Illinois, manufactures and produces military and commercial aircraft at various facilities throughout the United States, including in Everett, Washington (the "facility"), and others in the Seattle, Washington, and Portland, Oregon, metropolitan areas.

(b) Respondent, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of \$500,000.

(c) Respondent, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), both sold and shipped from, and purchased and received at, the facility goods valued in excess of \$50,000 directly to and from points outside the State of Washington.

(d) Respondent has been at all material times an employer engaged in commerce within the meaning of §§ 2(2), (6) and (7) of the Act.

3.

The Union is, and has been at all material times, a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times the following individuals held the positions set forth opposite their respective names and have been supervisors within the meaning of

§ 2(11) of the Act, and/or agents within the meaning of § 2(13) of the Act, acting on behalf of Respondent:

Jim Albaugh	—	Executive Vice President, Boeing; President and CEO of Integrated Defense Systems (until late August 2009); CEO, Boeing Commercial Airplanes (as of late August 2009)
Scott Carson	—	Executive Vice President, Boeing; CEO, Boeing Commercial Airplanes (until late August 2009)
Ray Conner	—	Vice President and General Manager of Supply Chain Management and Operations, Boeing Commercial Airplanes
Scott Fancher	—	Vice President and General Manager of the 787 Program
Fred Kiga	—	Vice President, Government and Community Relations
Doug Kight	—	Vice President, Human Resources, Boeing Commercial Airplanes
Jim McNerney	—	President, Chairman, and CEO
Jim Proulx	—	Boeing spokesman
Pat Shanahan	—	Vice President and General Manager of Airplane Programs
Gene Woloshyn	—	Vice President, Employee Relations

5.

(a) Those employees of Respondent enumerated in Section 1.1(a) of the collective bargaining agreement described below in paragraph 5(c), including, *inter alia*, all production and maintenance employees in Washington State, constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act (the “Puget Sound Unit”).

(b) Those employees of Respondent enumerated in Section 1.1(c) of the collective bargaining agreement described below in paragraph 5(c), including, *inter*

alia, all production and maintenance employees in the Portland, Oregon area, constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act (the "Portland Unit").

(c) Since at least 1975 and at all material times, the IAM has been the designated exclusive collective bargaining representative of the Puget Sound Unit and the Portland Unit (collectively, the "Unit") and recognized as such representative by Respondent. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from November 2, 2008, to September 8, 2012.

(d) Since 1975, during the course of the parties' collective-bargaining relationship, the IAM engaged in strikes in 1977, 1989, 1995, 2005, and 2008.

6.

On or about the dates and by the manner noted below, Respondent made coercive statements to its employees that it would remove or had removed work from the Unit because employees had struck and Respondent threatened or impliedly threatened that the Unit would lose additional work in the event of future strikes:

(a) October 21, 2009, by McNerney in a quarterly earnings conference call that was posted on Boeing's intranet website for all employees and reported in the Seattle Post Intelligencer Aerospace News and quoted in the Seattle Times, made an extended statement regarding "diversifying [Respondent's] labor pool and labor relationship," and moving the 787 Dreamliner work to South Carolina due to "strikes happening every three to four years in Puget Sound."

(b) October 28, 2009, based on its October 28, 2009, memorandum entitled "787 Second Line, Questions and Answers for Managers," informed employees, among other things, that its decision to locate the second 787 Dreamliner line in South Carolina was made in order to reduce Respondent's vulnerability to delivery disruptions caused by work stoppages.

(c) December 7, 2009, by Conner and Proulx in an article appearing in the Seattle Times, attributed Respondent's 787 Dreamliner production decision to use a "dual-sourcing" system and to contract with separate suppliers for the South Carolina line to past Unit strikes.

(d) December 8, 2009, by Conner in an article appearing in the Puget Sound Business Journal, attributed Respondent's 787 Dreamliner production decision to use a "dual-sourcing" system and to contract with separate suppliers for the South Carolina line to past Unit strikes.

(e) March 2, 2010, by Albaugh in a video-taped interview with a Seattle Times reporter, stated that Respondent decided to locate its 787 Dreamliner second line in South Carolina because of past Unit strikes, and threatened the loss of future Unit work opportunities because of such strikes.

7.

(a) In or about October 2009, on a date better known to Respondent, but no later than October 28, 2009, Respondent decided to transfer its second 787 Dreamliner production line of 3 planes per month from the Unit to its non-union site in North Charleston, South Carolina.

(b) Respondent engaged in the conduct described above in paragraph 7(a) because the Unit employees assisted and/or supported the Union by, *inter alia*, engaging in the protected, concerted activity of lawful strikes and to discourage these and/or other employees from engaging in these or other union and/or protected, concerted activities.

(c) Respondent's conduct described above in paragraph 7(a), combined with the conduct described above in paragraph 6, is also inherently destructive of the rights guaranteed employees by § 7 of the Act.

8.

(a) In or about October 2009, on a date better known to Respondent, but no later than December 3, 2009, Respondent decided to transfer a sourcing supply program for its 787 Dreamliner production line from the Unit to its non-union facility in North Charleston, South Carolina, or to subcontractors.

(b) Respondent engaged in the conduct described above in paragraph 8(a) because the Unit employees assisted and/or supported the Union by, *inter alia*, engaging in the protected, concerted activity of lawful strikes and to discourage these and/or other employees from engaging in these or other union and/or protected, concerted activities.

(c) Respondent's conduct described above in paragraph 8(a), combined with the conduct described above in paragraphs 6 and 7(a), is also inherently destructive of the rights guaranteed employees by § 7 of the Act.

9.

By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

10.

By the conduct described above in paragraphs 7 and 8, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of §§ 8(a)(3) and (1) of the Act.

11.

By the conduct described above in paragraphs 6 through 10, Respondent has engaged in unfair labor practices affecting commerce within the meaning of §§ 2(6) and (7) of the Act.

12.

As part of the remedy for the unfair labor practices alleged herein, the Acting General Counsel seeks an Order requiring either that one of the high level officials of Respondent alleged to have committed the violations enumerated above in paragraph 6 read, or that a designated Board agent read in the presence of a high level Boeing official, any notice that issues in this matter, and requiring Respondent to broadcast such reading on Respondent's intranet to all employees.

13.

(a) As part of the remedy for the unfair labor practices alleged above in paragraphs 7 and 8, the Acting General Counsel seeks an Order requiring Respondent

to have the Unit operate its second line of 787 Dreamliner aircraft assembly production in the State of Washington, utilizing supply lines maintained by the Unit in the Seattle, Washington, and Portland, Oregon, area facilities.

(b) Other than as set forth in paragraph 13(a) above, the relief requested by the Acting General Counsel does not seek to prohibit Respondent from making non-discriminatory decisions with respect to where work will be performed, including non-discriminatory decisions with respect to work at its North Charleston, South Carolina, facility.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to this Complaint. The answer must be **received by this office on or before May 4, 2011, or postmarked on or before May 3, 2011.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at **www.nlrb.gov**, click on ***File Case Documents***, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due

date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of § 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in this Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the 14th day of June, 2011, at 9:00 a.m., in James C. Sand Hearing Room, 2966 Jackson Federal Building, 915 Second Avenue, Seattle, Washington, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in

this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Seattle, Washington, this 20th day of April, 2011.

A handwritten signature in cursive script, reading "Richard L. Ahearn", written in black ink. The signature is positioned above a horizontal line.

Richard L. Ahearn, Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Microsoft Outlook

From: Kearney, Barry J.
Sent: Wednesday, April 20, 2011 1:49 PM
To: Farrell, Ellen
Subject: FW: Machinist news release is out

From: Solomon, Lafe E.
Sent: Wednesday, April 20, 2011 1:47 PM
To: Mattina, Celeste J.; Abruzzo, Jennifer; Kearney, Barry J.; Sophir, Jayme; Ahearn, Richard L.
Subject: FW: Machinist news release is out

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nlr-complaint-over-boeing-south-carolina-move>

Tony Wagner
New Media Specialist | Office of Public Affairs
National Labor Relations Board (NLRB)
1099 14th Street NW, Suite 11550 | Washington, DC 20570
anthony.wagner@nrb.gov | 202-273-0187 | cell: 202-375-9791
nrb.gov | m.nrb.gov | [facebook.com/NLRBpage](https://www.facebook.com/NLRBpage) | [@nrb](https://twitter.com/nrb)

Microsoft Outlook

From: NLRB Updates
Sent: Wednesday, April 20, 2011 2:46 PM
To: Farrell, Ellen
Subject: NLRB issues complaint against Boeing Company for unlawfully transferring work to a non-union facility

April 20, 2011

Contact:
Office of Public Affairs
202-273-1991
publicinfo@nrlb.gov
www.nrlb.gov

NLRB issues complaint against Boeing Company for unlawfully transferring work to a non-union facility

NLRB Acting General Counsel Lafe Solomon today issued a complaint against the Boeing Company alleging that it violated federal labor law by deciding to transfer a second production line to a non-union facility in South Carolina for discriminatory reasons.

Boeing announced in 2007 that it planned to assemble seven 787 Dreamliner airplanes per month in the Puget Sound area of Washington state, where its employees have long been represented by the International Association of Machinists and Aerospace Workers. The company later said that it would create a second production line to assemble an additional three planes a month to address a growing backlog of orders. In October 2009, Boeing announced that it would locate that second line at the non-union facility.

In repeated statements to employees and the media, company executives cited the unionized employees' past strike activity and the possibility of strikes occurring sometime in the future as the overriding factors in deciding to locate the second line in the non-union facility.

The NLRB launched an investigation of the transfer of second line work in response to charges filed by the Machinists union and found reasonable cause to believe that Boeing had violated two sections of the National Labor Relations Act because its statements were coercive to employees and its actions were motivated by a desire to retaliate for past strikes and chill future strike activity.

"A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Mr. Solomon said. "We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law. I have worked with the parties to encourage settlement in the hope of avoiding costly litigation, and my door remains open to that possibility."

To remedy the alleged unfair labor practices, the Acting General Counsel seeks an order that would require Boeing to maintain the second production line in Washington state. The complaint does not seek closure of the South Carolina facility, nor does it prohibit Boeing from assembling planes there.

Absent a settlement between the parties, the next step in the process will be a hearing before an NLRB administrative law judge in Seattle, set for June 14, at which both parties will have an opportunity to present evidence and arguments.

[Click here to view a fact sheet.](#)

[Click here to view this news release on our website.](#)

For more information about the National Labor Relations Board, please see our website at www.nlr.gov.



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GovDelivery, Inc. sending on behalf of National Labor Relations Board · 1099 14th Street, NW · Washington DC 20570 · 866-667-6572



Microsoft Outlook

From: email@addthis.com on behalf of Farrell, Ellen
Sent: Thursday, April 21, 2011 12:14 PM
To: Farrell, Ellen
Subject: NLRB tries to block Boeing's plant in S.C. | CharlotteObserver.com & The Charlotte Observer Newspaper

<http://www.charlotteobserver.com/2011/04/20/2238449/nlr-tries-to-block-boeings-plant.html>

This message was sent by efarrell@nlrb.gov via <http://addthis.com>. Please note that AddThis does not verify email addresses.

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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, April 26, 2011 11:11 AM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen
Subject: FW: seattletimes.com: Boeing still struggling with 787

Boeing still struggling with 787

While Boeing may meet its deadline to deliver the first 787 to All Nippon Airways of Japan before Sept. 30, the production pace projected for 2011 appears out of reach.

http://seattletimes.nwsourc.com/html/business/technology/2014875561_boeing26.html

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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, April 26, 2011 3:46 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen
Subject: From Congressman Adam Smith

A Message from Congressman Adam Smith April 22, 2011

Congressman Adam Smith (WA-09), Ranking Member of the House Armed Services Committee, released the following statement after the National Labor Relations Board issued a complaint against the Boeing Company alleging that it violated federal labor law during the decision-making process to transfer a second production line to South Carolina:

“I steadfastly support the collective bargaining rights of U.S. workers and hope that the complaint filed by the National Labor Relations Board (NLRB) against The Boeing Company is fully considered under the law. We must be vigilant in maintaining a business environment where workers can organize and negotiate without fear of intimidation or future retaliation.

“The Pacific Northwest is proud of Boeing and its role in the company’s long history of innovation and excellence in aerospace manufacturing. The global market for airplanes is an increasingly competitive arena where companies are forced to act in their best economic interests to remain successful. I encourage Boeing to work within the framework of the law as a global leader in aerospace manufacturing and technology. Boeing’s recent win of the \$35 billion Air Force refueling tanker contract attests that the company and unions can be incredibly successful when they work together.

“I look forward to a fair legal process and will be monitoring the upcoming June 14 NLRB hearing.”

If you have questions or comments, please contact Matt Perry, Deputy District Director, at: 253-593-6603 or via email at: matt.perry@mail.house.gov

Microsoft Outlook

From: Willen, Debra L
Sent: Monday, May 02, 2011 9:15 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: FW: Lussier's e-mail - Governor Haley in WSJ

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

From: Mantz, John
Sent: Monday, May 02, 2011 8:16 AM
To: Willen, Debra L
Subject: FW: Lussier's e-mail

Deb,
Have you seen this?

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

From: Lussier, Richard
Sent: Sunday, May 01, 2011 6:36 PM
To: Belin, Jeremy S.; Compton, Kayce R.; Frisch, Jacob; Mantz, John; Marx, Eric C.; Oddis, Robert N.; Pho, Laura D; Vazquez, Laura T.
Subject:

http://online.wsj.com/article/SB10001424052748703778104576287290266016016.html?mod=WSJ_Opinion_LEADTop

Microsoft Outlook

From: Kearney, Barry J.
Sent: Tuesday, May 03, 2011 4:23 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Boeing FOIA request - Judicial Watch
Attachments: DOC.PDF

FOIA request from Judicial Watch on Boeing

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

From: Bridge, Diane L.
Sent: Tuesday, May 03, 2011 3:44 PM
To: Kearney, Barry J.
Subject: FW: Scan from a Xerox WorkCentre

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

From: XRX-Ops_Mgmt@nlrb.gov [mailto:XRX-Ops_Mgmt@nlrb.gov]
Sent: Tuesday, May 03, 2011 11:02 AM
To: Bridge, Diane L.
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: HQ 10th Floor\ Operations Management
Device Name: XRX-Ops_Mgmt

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**Judicial
Watch**
*Because no one
is above the law!*

May 2, 2011

VIA CERTIFIED MAIL & FACSIMILE

Jacqueline Young
FOIA Officer
National Labor Relations Board
1099 14th Street, N.W., Room 10600
Washington, D.C. 20570



Re: Freedom of Information Act Request

Dear Ms. Young:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the National Labor Relations Board produce the following within twenty (20) business days:

1. Any and all communications with the White House relating to Boeing's plan to open a manufacturing plant in South Carolina.
2. Any and all communications with Boeing relating to their plan to open a manufacturing plant in South Carolina.
3. Any and all communications with the International Association of Machinists and Aerospace Workers relating to Boeing's plan to open a manufacturing plant in South Carolina.
4. Any and all communications with the American Federation of Labor – Congress of Industrial Organization (AFL-CIO) relating to Boeing's plan to open a manufacturing plant in South Carolina.

The time frame for this request runs from March 27, 2010 to April 21, 2011.

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA... The presumption of

National Labor Relations Board

May 2, 2011

Page 2 of 4

disclosure should be applied to all decisions involving FOIA.¹

President Obama adds that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purposes of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data compilations from which information can be obtained; and (5) any materials using other means of preserving thought or expression.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Judicial Watch has also been recognized as a member of the news media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Judicial Watch regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act," January 21, 2009; <http://www.whitehouse.gov/the_press_office/FreedomofInformationAct>

May 2, 2011

Page 3 of 4

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

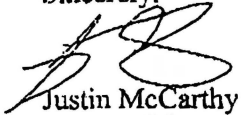
National Labor Relations Board

May 2, 2011

Page 4 of 4

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-646-5172 or jmccarthy@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Justin McCarthy
Judicial Watch

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, July 12, 2011 11:48 PM
To: Finch, Peter G.
Subject: Re: Check Out This Article

Conversation with Celeste this p.m. We will politely decline.
R

Sent from my BlackBerry Wireless Handheld

From: Finch, Peter G.
To: Ahearn, Richard L.
Sent: Tue Jul 12 22:32:31 2011
Subject: Check Out This Article



CHECK OUT THIS ARTICLE

Your friend, peter.finch@nlrb.gov, thought you would be interested in this article from TheHill.com:

Issa wants more documents from NLRB in Boeing investigation - The Hill's Transportation Report

To enjoy more great articles visit us on TheHill.com

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Microsoft Outlook

From: BNA Highlights [bhighlig@bna.com]
Sent: Wednesday, July 13, 2011 9:57 PM
To: Flanagan, Kevin P.
Subject: Jul. 13 -- BNA, Inc. Daily Labor Report

E-mail not displaying correctly? View publication in your browser: <http://news.bna.com/dlIn>

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REPORT®

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Wednesday, July 13, 2011 • Number 134

LEADING THE NEWS

Independent Contractors

Technicians' Employment Status Under FLSA, State Law Is Jury Question, Court Determines

Whether three DirecTV Inc. satellite television technicians are employees or independent contractors under the Fair Labor Standards Act and Louisiana law is a jury question, the U.S. District Court for the Eastern District of Louisiana...

NEWS

Arbitration

High Court's AT&T Arbitration Decision Has No Effect on PAGA Waivers, Court Says

LOS ANGELES—The U.S. Supreme Court's recent ruling finding preempted by the Federal Arbitration Act California courts' practice of invalidating class action waivers in consumer arbitration agreements does not apply to...

EEOC

House Subcommittee Clears Spending Bill That Would Give EEOC No Boost for FY 2012

The House Appropriations Committee July 13 approved a fiscal year 2012 Commerce, Justice, Science, and Related Agencies spending bill that would give the Equal Employment Opportunity Commission a \$366.5 million budget for the next fiscal...

Employment

Employee Confidence Retreats To Recession Levels, Poll Finds

As the "economy falters amid recent market volatility and mixed labor reports," employee confidence related to job security, pay raises, and the job market has retreated to levels last seen during the depths of the recent recession,...

Employment

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**Report Says Market, Policy Challenges Hinder
'Clean' Sector From Achieving Potential**

The U.S. private sector "clean" economy employs millions of people in "green" jobs across some of the largest metropolitan areas, but market challenges and policy uncertainty have hindered the sector's ability to...

Federal Employees

**Congressional Committee Approves Update
To Federal Employees' Compensation Act**

Legislation (H.R. 2465) that would update the Federal Employees' Compensation Act by allowing treatment and certification by physicians' assistants and nurse practitioners, clarifying that injuries caused by terrorist attacks...

Health Care

**Factors Other Than PPACA, Recession
To Affect Health Costs in 2012, Speakers Say**

Two factors that many people fear will have a major impact on health care costs in 2012—the federal health care law and the recent economic recession—actually will not play a big part in cost trends next year, speakers said during...

Labor Law

**Eighth Circuit Revives ABF Freight Lawsuit
Against YRC, Teamsters Over Concessions**

The U.S. Court of Appeals for the Eighth Circuit July 6 revived a previously dismissed lawsuit filed by ABF Freight System against the International Brotherhood of Teamsters and competing trucking company YRC Worldwide over allegations...

Minimum Wage

**Employment Fell Sharply in U.S. Territories
After Minimum Wage Hike, GAO Report Says**

Employment fell drastically in American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) during the period when minimum wages were increased, according to a recent Government Accountability Office report....

NLRB

**House Panel Presses NLRB for Documents,
Calling Boeing Case Disclosures Incomplete**

National Labor Relations Board Acting General Counsel Lafe E. Solomon has not satisfied lawmakers' requests for documents concerning an unfair labor practice complaint against Boeing Co., Rep. Darrell Issa (R-Calif.), chairman...

Organizing

**Global Unions File Complaint With OECD
Against Deutsche Telekom for 'Union Busting'**

The Communications Workers of America, the UNI Global Union federation, and the German-based ver.di union July 12 alleged that Deutsche Telekom AG, the parent company of T-Mobile USA, has violated the guidelines of the Organization for Economic...

Pensions

**DOL Extends Applicability Deadlines
For Service Provider Fee Disclosure Rules**

The Labor Department's Employee Benefits Security Administration issued a final rule July 13 that extends by three months the applicability date of the department's interim final rule on fee disclosures by plan service providers...

Pensions

**Employers Say Funding, Accounting Rules
Caused Exodus From Defined Benefit Plans**

Defined benefit pensions are engines of economic growth and middle-class retirement security, but employers will not offer them in the future unless they see significant changes in defined benefit funding and accounting rules that are damaging...

Race Discrimination

**Black Bank Manager Raises Bias Claim
On Termination, but Lacks Harassment Claim**

A black assistant bank manager fired for an alleged violation of ethical rules raised a triable issue of race discrimination under Title VII of the 1964 Civil Rights Act when he produced direct evidence that his supervisor twice made racial...

Race Discrimination

**Fifth Circuit Splits on Grant of JAML
In Reverse Race Discrimination Case**

Judgment as a matter of law was proper in an employment discrimination case by a white attorney who was fired by a hospital board and replaced by a black attorney, a divided U.S. Court of Appeals for the Fifth Circuit ruled July 8 (*Dulin v. Board...*

Safety & Health

Contractor Faces \$354,000 Trenching Fine

BOSTON—A Massachusetts contractor with what federal officials called "a long history of violating workplace standards" faces \$354,000 in new proposed fines related primarily to alleged trenching hazards, the Labor Department's...

Safety & Health

**Illinois Metal Fabricator Fined \$214,830
By OSHA Following Two Amputation Incidents**

CHICAGO—The Labor Department's Occupational Safety and Health Administration has proposed penalties of \$214,830 against an Illinois metal fabrication company, alleging that a series of safety failures led to two separate...

Safety & Health

**Indiana Safety Agency, Notre Dame Reach
Settlement Over Death of Student Employee**

The Indiana Department of Labor and the University of Notre Dame agreed on a settlement related to the death of a student employee whereby the school will launch a nationwide safety education program, the agency announced July 1....

Safety & Health

**Prerule for Steel Reinforced Concrete,
Construction Delivered to OMB for Review**

An early version of a proposed worker safety standard for steel reinforced concrete and post-tensioned steel construction now is with the White House Office of Management and Budget for review. The Labor Department's Occupational...

Safety & Health

**Regulatory Agenda Sends Mixed Signals
On OSHA's Path Forward, Safety Reps Say**

The Labor Department's latest semiannual regulatory agenda contained a number of obsolete deadlines, leaving some safety representatives interviewed by BNA unclear about the direction of DOL's Occupational Safety and Health...

Wage & Hour

**Commenters Question Wisdom of Applying
FLSA to Home Care, Burden of Right-to-Know**

Judging from the discussion on a live web chat hosted July 13 by the Labor Department's Wage and Hour Division, the public is very concerned about WHD's intentions to modify rules relating to pay for in-home companions and workers'...

ECONOMIC NEWS

Compensation

**Private Sector Workers Likely to See
Higher Pay Increases, BNA Index Signals**

Private sector workers likely will see higher annual pay increases in the near future, according to the final second quarter Wage Trend Indicator scheduled for release July 14 by BNA....

Listing

**WTI Components and Index, 1st Quarter 2003 — 1st
Quarter 2011**

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Microsoft Outlook

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nlr-complaint-over-boeing-south-carolina-move>

Tony Wagner
New Media Specialist | Office of Public Affairs
National Labor Relations Board (NLRB)
1099 14th Street NW, Suite 11550 | Washington, DC 20570
anthony.wagner@nrb.gov | 202-273-0187 | cell: 202-375-9791
nrb.gov | m.nrb.gov | facebook.com/NLRBpage | [@nrb](https://twitter.com/nrb)

Microsoft Outlook

From: Solomon, Lafe E.
Sent: Tuesday, May 03, 2011 4:29 PM
To: Garza, Jose; Schiff, Robert; Cleeland, Nancy
Subject: Fwd: Scan from a Xerox WorkCentre
Attachments: DOC.PDF; ATT00001..htm

Sent from my mobile

Begin forwarded message:

From: "Kearney, Barry J." <barry.kearney@nlrb.gov>
To: "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>, "Mattina, Celeste J." <celeste.mattina@nlrb.gov>, "Farrell, Ellen" <Ellen.Farrell@nlrb.gov>, "Sophir, Jayme" <Jayme.Sophir@nlrb.gov>, "Szapiro, Miriam" <Miriam.Szapiro@nlrb.gov>, "Willen, Debra L" <Debra.Willen@nlrb.gov>
Subject: FW: Scan from a Xerox WorkCentre

FOIA request from Judicial Watch on Boeing

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

From: Bridge, Diane L.
Sent: Tuesday, May 03, 2011 3:44 PM
To: Kearney, Barry J.
Subject: FW: Scan from a Xerox WorkCentre

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

From: XXR-Ops_Mgmt@nlrb.gov [mailto:XXR-Ops_Mgmt@nlrb.gov]
Sent: Tuesday, May 03, 2011 11:02 AM
To: Bridge, Diane L.
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: HQ 10th Floor\ Operations Management
Device Name: XXR-Ops_Mgmt

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



**Judicial
Watch**
*Because no one
is above the law!*

May 2, 2011

VIA CERTIFIED MAIL & FACSIMILE

Jacqueline Young
FOIA Officer
National Labor Relations Board
1099 14th Street, N.W., Room 10600
Washington, D.C. 20570



Re: Freedom of Information Act Request

Dear Ms. Young:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the National Labor Relations Board produce the following within twenty (20) business days:

1. Any and all communications with the White House relating to Boeing's plan to open a manufacturing plant in South Carolina.
2. Any and all communications with Boeing relating to their plan to open a manufacturing plant in South Carolina.
3. Any and all communications with the International Association of Machinists and Aerospace Workers relating to Boeing's plan to open a manufacturing plant in South Carolina.
4. Any and all communications with the American Federation of Labor – Congress of Industrial Organization (AFL-CIO) relating to Boeing's plan to open a manufacturing plant in South Carolina.

The time frame for this request runs from March 27, 2010 to April 21, 2011.

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA... The presumption of

National Labor Relations Board

May 2, 2011

Page 2 of 4

disclosure should be applied to all decisions involving FOIA.¹

President Obama adds that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purposes of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data compilations from which information can be obtained; and (5) any materials using other means of preserving thought or expression.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Judicial Watch has also been recognized as a member of the news media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Judicial Watch regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act," January 21, 2009; <http://www.whitehouse.gov/the_press_office/FreedomofInformationAct>

May 2, 2011

Page 3 of 4

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

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Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

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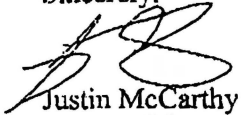
National Labor Relations Board

May 2, 2011

Page 4 of 4

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-646-5172 or jmccarthy@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Justin McCarthy
Judicial Watch

Microsoft Outlook

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 9:47 PM
To: Garza, Jose
Subject: Fw: Fwd: IAM press release
Attachments: 2011_05_04 Press Release.pdf; ATT00001..txt

Nice

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

From: rich ahearn Exemption 6 - Privacy
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Sent: Wed May 04 21:34:33 2011
Subject: Fwd: IAM press release

FYI

Begin forwarded message:

Labor News

Contact: Connie Kelliher 206-764-0343 office, 206-755-8575 cell
Bryan Corliss 206-764-0357 office, 425-327-3512 cell



FOR IMMEDIATE RELEASE: May 4, 2011

Boeing Uses Clout to Block Federal Law Enforcement Action

The Boeing Company has long been a top spender in the Washington legislature to gain low tax rates and other corporate benefits. Now it is trying to use its clout in the other Washington to intimidate and coerce the federal agency investigating Boeing's unlawful retaliation against its workers in the Puget Sound.

On April 20, the National Labor Relations Board, which is charged with protecting workers' rights to engage in collective bargaining, issued a complaint against Boeing for retaliating against its workers who engaged in collective activity by moving part of their work on the new 787 Dreamliner to another state. Boeing publicly admitted that its primary motive was because of its workers' exercise of their rights.

Yesterday, in an unprecedented attack on a federal law enforcement agency, Boeing's top lawyer sent a 10-page public rant to the agency, attacking and demanding that the agency's law enforcement efforts be withdrawn. Such a letter is highly unusual, as it seeks to undermine the Agency's authority to perform its statutory duties. Typically, employers charged by the Agency make their defenses at a legal hearing, which has already been scheduled, and do not seek to take down the Agency itself.

Then, ten U.S. Senators friendly to Boeing's anti-worker message challenged the chief law enforcement officer of the agency. That public official, a 39-year career attorney at the agency with no ties to organized labor, is up for confirmation in the U.S. Senate later this year.

"In my 28 years of practicing labor law, I have never seen an employer use these types of overtly political tactics to avoid a legal proceeding," said David Campbell, IAM District 751 lawyer. "Rather than face the music at the June 14 hearing, the Boeing Company is apparently trying to kill the case politically. This tactic shows all too clearly how desperate the Company is to avoid litigating the merits of a case it knows it will lose."

The NLRB's case against Boeing rests upon Boeing's own admissions that it sought to avoid lawful collective activity in Washington state. While Boeing claims that it is free to take

whatever action it thinks may be necessary to avoid collective bargaining and strike activity, that is simply not the law. Just as the law prohibits discrimination against whistleblowers or workers who take family leave, America's laws protect workers who engage in collective activity.

This case presents a simple issue: Do big companies have to obey the law? If employers can retaliate against workers who exercise rights that are protected by law, then those rights will be gone. The NLRB's long-term professional Regional Staff, National Office of Advice and General Counsel reviewed this case for a year, found convincing merit, and issued a complaint. The hearing should continue according to its rules like any law enforcement process.

If, as Boeing claims, the case is frivolous, it will have the opportunity to present its argument before a judge on June 14 in Seattle. It can appeal the judge's decision to members of the National Labor Relations Board. If it is still unsatisfied, it can appeal to the federal courts.

Instead of following the rule of law, Boeing is using its tremendous political clout to try to stop the actions of an independent federal law enforcement agency. Such tactics might work in corrupt nations where money – not the law – rules, but should not here in America.

##

Microsoft Outlook

From: Garza, Jose
Sent: Wednesday, May 04, 2011 11:11 PM
To: Cleeland, Nancy
Subject: Re: Fwd: IAM press release

Very nice.

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

From: Cleeland, Nancy
To: Garza, Jose
Sent: Wed May 04 21:47:25 2011
Subject: Fw: Fwd: IAM press release

Nice

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

From: rich ahearn [Exemption 6 - Privacy]
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Sent: Wed May 04 21:34:33 2011
Subject: Fwd: IAM press release

FYI

Begin forwarded message:

Microsoft Outlook

From: Todd, Dianne
Sent: Friday, April 23, 2010 4:46 PM
To: Jablonski, Colleen G.; Ahearn, Richard L.
Subject: FW: The Boeing Company, Case 19-CA-32431
Attachments: 2010-04-23 boeing - letter to d todd 19-CA-32431.PDF

FYI

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

From: Hankins, Richard [mailto:rhankins@mckennalong.com]
Sent: Friday, April 23, 2010 11:40 AM
To: Todd, Dianne
Cc: Clarke, Joan C; Lunt, Drew
Subject: The Boeing Company, Case 19-CA-32431

Ms. Todd,

Attached is Boeing's response to your letter of April 16, 2010. I would appreciate the opportunity to speak with you on Monday about the status of the investigation and the plans going forward.

Have a great weekend.

<<2010-04-23 boeing - letter to d todd 19-CA-32431.PDF>>

Richard B. Hankins
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, Ga 30308
Tel: 404.527.8372 | Fax: 404.527.4198 | rhankins@mckennalong.com

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This document is fully redacted. ID: 0.7.42.1108923.1

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Monday, June 07, 2010 5:01 PM
To: Todd, Dianne; Jablonski, Colleen G.; Pomerantz, Anne
Subject: seattletimes.com: Machinists file unfair labor charge against Boeing over Charleston

Machinists file unfair labor charge against Boeing over Charleston

The Machinists union has filed a complaint against Boeing with the National Labor Relations Board (NLRB), charging that the company was retaliating for a 2008 union strike when it decided last fall to put a second Dreamliner assembly line in Charleston, S.C., rather than Everett.

http://seattletimes.nwsources.com/html/business/technology/2012034258_boeing05.html

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, June 08, 2010 10:19 AM
To: Todd, Dianne; Jablonski, Colleen G.
Subject: Fw: Google Alert - National labor relations board

Sent from my BlackBerry Wireless Handheld

From: Google Alerts <googlealerts-noreply@google.com>
To: Ahearn, Richard L.
Sent: Tue Jun 08 01:17:05 2010
Subject: Google Alert - National labor relations board

Google News Alert for: **National labor relations board**

[Boeing denies union claim](#)

Charleston Post Courier

The **National Labor Relations Board** will review the filing brought by the International Association of Machinists and Aerospace Workers District Lodge 751 ...

[See all stories on this topic](#)

This as-it-happens Google Alert is brought to you by Google.

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Microsoft Outlook

From: Todd, Dianne
Sent: Wednesday, July 28, 2010 3:31 PM
To: Kobe, James
Cc: Jablonski, Colleen G.
Subject: Boeing subpoena

Jim,

Just to answer your question from yesterday – the investigative subpoena has been approved and is being issued today.

Thanks,

Dianne

Microsoft Outlook

From: Todd, Dianne
Sent: Tuesday, August 03, 2010 12:50 PM
To: Ahearn, Richard L.; Jablonski, Colleen G.
Subject: FW: IAM 751 v. Boeing, Case No. 19-CA-32431

From: David Campbell [mailto:campbell@workerlaw.com]
Sent: Tuesday, August 03, 2010 9:45 AM
To: Todd, Dianne
Cc: Carson Glickman-Flora; Jude Bryan; Kathy Barnard; Corson Christopher; tomw@iam751.org; getajob@comcast.net; rmichalski@iamaw.org
Subject: IAM 751 v. Boeing, Case No. 19-CA-32431

Dianne, I know that Director Ahearn is returning from vacation soon, and per our prior discussion, we hope to schedule a meeting with him on this case. In light of the importance of the issues presented, I am sure that a number of International and Local officials will want to attend that meeting. If we could talk soon regarding scheduling, it would be very helpful.

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com
Schwerin Campbell Barnard Iglitzin & Lavitt
18 W Mercer Suite 400
Seattle, Washington 98119-3971
Phone (206)285-2828; FAX (206)378-4132
This communication is protected by the attorney client and attorney work-product privileges. Please do not copy, forward or append.

Microsoft Outlook

From: Pomerantz, Anne
Sent: Wednesday, October 27, 2010 12:55 PM
To: Jablonski, Colleen G.
Cc: Todd, Dianne
Subject: RE: boeing

Whatever works for both of you, I'll make work for me. Let me know.

From: Jablonski, Colleen G.
Sent: Wednesday, October 27, 2010 9:51 AM
To: Pomerantz, Anne
Cc: Todd, Dianne
Subject: boeing

Anne, If we are going to speak with Rich re Boeing, do you have a time in mind? Th, C

Microsoft Outlook

From: Jablonski, Colleen G.
Sent: Wednesday, October 27, 2010 1:02 PM
To: Pomerantz, Anne
Subject: RE: boeing

If Rich is available, any time this afternoon works for me. I think Dianne can make that work as well.

From: Pomerantz, Anne
Sent: Wednesday, October 27, 2010 9:55 AM
To: Jablonski, Colleen G.
Cc: Todd, Dianne
Subject: RE: boeing

Whatever works for both of you, I'll make work for me. Let me know.

From: Jablonski, Colleen G.
Sent: Wednesday, October 27, 2010 9:51 AM
To: Pomerantz, Anne
Cc: Todd, Dianne
Subject: boeing

Anne, If we are going to speak with Rich re Boeing, do you have a time in mind? Th, C

Microsoft Outlook

From: Pomerantz, Anne
Sent: Wednesday, October 27, 2010 1:20 PM
To: Ahearn, Richard L.
Cc: Jablonski, Colleen G.; Todd, Dianne
Subject: RE: boeing

OK – 2 pm our time. We'll gather and call you. Thanks.

From: Ahearn, Richard L.
Sent: Wednesday, October 27, 2010 10:19 AM
To: Pomerantz, Anne
Subject: Re: boeing

2 pm or so?

Sent from my BlackBerry Wireless Handheld

From: Pomerantz, Anne
To: Ahearn, Richard L.
Sent: Wed Oct 27 13:17:26 2010
Subject: FW: boeing

When are you available this afternoon to talk Boeing with Colleen, Diane, and me?

Microsoft Outlook

From: BNA Highlights [bhighlig@bna.com]
Sent: Friday, January 21, 2011 11:55 PM
To: Jablonski, Colleen G.
Subject: Jan. 21 -- BNA, Inc. Daily Labor Report

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Friday, January 21, 2011 • Number 14

LEADING THE NEWS

Unions

Union Membership Dropped in 2010, As Key Industries Shed Jobs, BLS Says

The share of wage and salary workers who belong to a labor union declined in 2010 to new low of 11.9 percent from 12.3 percent the prior year, according to figures released Jan. 21 by the Labor Department's Bureau of Labor Statistics. ...

NEWS

Administration

Obama Creates New Jobs Council To Put U.S. Economy Into 'Overdrive'

President Obama Jan. 21 said he is creating a new Council on Jobs and Competitiveness headed by Jeffrey Immelt, chairman and chief executive officer of GE, with the goal of speeding up the nation's economic recovery....

Airlines

Bankruptcy Judge in New York Confirms Mesa Air's Third Plan of Reorganization

The U.S. Bankruptcy Court for the Southern District of New York Jan. 20 issued an order confirming airline holding company Mesa Air Group Inc.'s third amended joint plan of reorganization (In re Mesa Air Grp. Inc., Bankr. S.D.N.Y., No....

Congress

Rep. Miller Announces Ranking Members For Committee on Education and Workforce

Rep. George Miller (D-Calif.), ranking member of the House Committee on Education and the Workforce, Jan. 20 announced ranking member assignments for the subcommittees....

Domestic Partners

Federal Judge OKs DOMA, Tax Challenge

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By Gay Couples Seeking State LTC Insurance

A federal judge in California Jan. 18 rejected the government's attempt to stop a state employee's lawsuit challenging the constitutionality of the Defense of Marriage Act (DOMA) and a tax provision, both of which interfere with...

ERISA

Court Gives Final Nod to \$7M Settlement Ending 'Stock-Drop' Case Against IndyMac

An employer "stock-drop" lawsuit against IndyMac Bank FSB filed in the midst of the subprime mortgage crisis ended in a \$7 million settlement approved Jan. 19 by the U.S. District Court for the Central District of California (In re...

ERISA

Lower Court Properly Tossed Claim Alleging Misrepresentation About Repayment Program

A federal district court did not err when it rejected a former employee's claim that his employer negligently misrepresented that the employee would be reimbursed for his Social Security and Medicare contributions under a certain benefit...

Federal Employees

Airport Screener Election Tentatively Set For March 9 Through April 19, Union Says

Approximately 40,000 nonsupervisory federal airport screeners with the Transportation Security Administration will have the opportunity to vote in a union representation election during a six-week period tentatively scheduled for...

Federal Employees

Republicans Seek Five-Year Pay Freeze, 15 Percent Cut in Federal Workforce

Republican lawmakers Jan. 20 called for a five-year pay freeze for federal executive branch employees and for cutting the federal workforce through attrition by 15 percent compared to its level at the end of fiscal year 2010, requiring federal...

Health Care Employees

NLRB Sets Hearing on NUHW Objections To Kaiser Election Among 45,000 Employees

A National Labor Relations Board regional director has scheduled a hearing for Feb. 7 to consider 30 objections filed by the National Union of Healthcare Workers to an election it lost last fall among some 43,000 workers at Kaiser Permanente...

International Labor

Sodexo Worker Conditions in Five Countries Criticized in Civil, Human Rights Report

The employment conditions of Sodexo workers in five countries reveal a disregard by the company for its employees' human rights and dignity, according to a report released Jan. 19 by a nonprofit foreign policy advocacy organization....

NLRB

NLRB Names Resident Officer for Grand Rapids

Thomas M. Good has been appointed resident officer of the National Labor Relations Board's resident office in Grand Rapids, Mich., the agency announced Jan. 18. The resident office reports to the Detroit Region 7 office headed by Regional...

NLRB

Solomon Will Recommend 'New Framework' For NLRB Deferral to Arbitration Procedures

National Labor Relations Board Acting General Counsel Lafe Solomon announced Jan. 20 that he will urge the board to adopt a new approach for determining whether to defer to arbitration decisions and grievance settlements in unfair labor practice...

OFCCP

OFCCP Directive Provides Guidance On Jurisdiction Over Health Care Providers

The Labor Department's Office of Federal Contract Compliance Programs provided "comprehensive guidance" for determining whether a health care provider or insurer falls within OFCCP's jurisdiction as a federal contractor...

Pensions

Fund Can't Disregard Asset Transfer Contract When Seeking Employer's Withdrawal Liability

A multiemployer pension fund seeking to collect about \$486,000 in withdrawal liability and interest from an employer cannot disregard an asset restructuring agreement that the fund argues was intended to evade the employer's withdrawal...

Racketeering

Broad Organized Crime Sweep Includes Charges of Mob Ties to LIUNA, ILA Locals

NEW YORK—A broad law enforcement sweep against dozens of defendants with alleged ties to organized crime in the New York City area includes charges of mob family corruption of locals of the Laborers' International Union and the...

Safety & Health

Data From Pilot National Emphasis Program Reveals Increase in Violations, OSHA Says

The latest data from the pilot national emphasis program on recordkeeping instituted by the Labor Department's Occupational Safety and Health Administration show a higher noncompliance rate than was found in September 2010, agency...

Safety & Health

Michaels Says States, Localities May Assist In Criminal Prosecutions of Safety Violations

State and local prosecutors may be asked to pursue criminal charges against those who violate worker safety laws, the head of the Occupational Safety and Health Administration said Jan. 18....

Sexual Harassment

Jury Issues \$1.26 Million Verdict for EEOC

In Sexual Harassment Suit Against Grocery

A federal district court jury in upstate New York Jan. 20 returned a \$1.26 million verdict for the Equal Employment Opportunity Commission in a suit alleging that an Oswego, N.Y., grocery store permitted its general manager to sexually harass...

Unions

Unions Sue South Carolina Governor, Labor Agency Head, Over Anti-Union Stance

ATLANTA—The International Association of Machinists and the South Carolina AFL-CIO Jan. 21 filed a lawsuit in federal court alleging that Gov. Nikki Haley (R) is violating federal labor law by vowing to use state resources to defeat...

Women

Various Issues Affecting Women to Emerge In New Congressional Session, Speakers Say

The employment outlook for women, along with their access to job training programs, will be crucial issues for lawmakers to deal with in the new congressional session which just began, a panel of speakers said Jan. 21. ...

Workforce Reductions

Boeing to Eliminate 1,100 Jobs As Production of C-17 Aircraft Winds Down

Boeing Co. Jan. 20 announced that it will eliminate some 1,100 jobs as part of a previously announced plan to slow production of its C-17 military aircraft to 10 per year, down from 15....

TRENDS

Privacy Rights

Connecticut, Vermont Join Roster of States Aiming to Curb Credit Report Use for Jobs

Continuing the trend by state lawmakers to restrict the ability of employers to use consumer credit reports in hiring and other employment decisions, Connecticut and Vermont recently have joined the growing roster of state legislatures...

Privacy Rights

Legislation to Restrict Employer Use Of Credit Reports Reintroduced in House

Joining what so far has been a state-led trend to restrict use of consumer credit reports for employment purposes, Rep. Steve Cohen (D-Tenn.) Jan. 19 reintroduced a bill (H.R. 321) that would amend the Fair Credit Reporting Act to rein in what...

TEXT

Data on 2010 Union Membership, Representation of Workers Released Jan. 21 by Labor Department's Bureau of Labor Statistics

BNA INSIGHTS

DOL Alliance With Plaintiffs Lawyers Will Lead to More FLSA, FMLA Litigation

Each new year brings change to in-house corporate counsel, and 2011 will be no different. The Wage and Hour Division of the Department of Labor has gotten creative in an effort to refer its overflow work to the private plaintiffs' bar. The...

2011 LABOR OUTLOOK

LABOR DEPARTMENT

ETA Focuses on Expanding Capacity of Community Colleges, Crafting WIA Update

Assistant Labor Secretary for Employment and Training Jane Oates told BNA Jan. 6 that the project in 2011 that most excites her is the Trade Adjustment Assistance Community College Training grants program. ...

MSHA Starts Using POV Process and Injunctions, Readies New Rules

If the first few weeks of this year are any indication, the Mine Safety and Health Administration in 2011 will continue its dogged, take-no-prisoners approach to enforcing mine safety and health laws. Already this year, the agency has prevailed...

OFCCP to Focus on Enforcement, Outreach, and 'Robust' Regulatory Agenda

The 2011 goals of the Labor Department's Office of Federal Contract Compliance Programs center on broadened enforcement of federal contractors' equal employment opportunity and affirmative action obligations, contractor outreach...

OLMS Encourages Electronic Filing, Considers Internet Elections for Officers

The Office of Labor-Management Standards in 2011 is concentrating on increasing efficiency and transparency, largely by implementing technological innovations, as it anticipates a high-volume year for election investigations. ...

OSHA's Activist Agenda Could Be Slowed by Revitalized Business Community

Plans by the Republican-led House to clamp down on regulatory policies it deems detrimental to job creation may force the Labor Department's Occupational Safety and Health Administration to temper its expectations for legislative...

Wage and Hour Division Forges Ahead While Awaiting Confirmation of Rodriguez

The most obvious change likely to occur at the Labor

Department's Wage and Hour Division this year will be the arrival of a new leader, a former prosecutor whose nomination signals the administration's commitment to tough enforcement...

NLRB

NLRB Has a Full Docket, Major Cases, and Plans for an Active Year

The National Labor Relations Board celebrated its 75th anniversary in 2010, and the agency spent much of the year dealing with the controversy over its issuance of nearly 600 unfair labor practice rulings and representation case decisions...

NMB

NMB Faces Busy Year With Increased Mediation, Representation Caseloads

The National Mediation Board in 2011 faces increased caseloads in mediation of collective bargaining and in representation election matters, as tough contract negotiations occur at major airlines and nationwide among the major freight...

CONGRESS

Congress Zeroing in on Job Creation, E-Verify Expansion, Health Care Overhaul

Congress has returned in 2011, with Republican lawmakers in control of the House and with more leverage in the Senate, with both parties emphasizing job creation, mulling an expansion of the E-Verify system, and considering mine safety improvements,...

EEOC

A Rebuilding Enforcement Agency Could Face Budget Hurdles

Following two years of budget increases that facilitated increased hiring and training of agency personnel and allowed some progress in slowing the growth of a large case backlog, the Equal Employment Opportunity Commission faces a budget...

BARGAINING

Impact of Health Care Overhaul Law Not Being Felt Yet in Collective Bargaining

Passage of the Patient Protection and Affordable Care Act (Pub. L. No. 111-148) last year has not had much of an impact so far on collective bargaining negotiations and is not expected to

have a major impact in the negotiations that are set to take...

Major Labor Agreements Expiring in 2011

Negotiations in the services sector, retail food, and communications will be in the news in the coming months. Among the contracts coming due this year are: • Several grocery chains in Southern California, including Ralphs, Albertsons,...

Slow Economic Improvements Expected to Temper Collective Bargaining Outcomes

Many important labor agreements that expire this year are expected to set the tone for bargaining well past 2011 as the economy slowly improves. The struggling economy, however, will make 2011 a tough year for workers....

UAW, Detroit Three Head into Bargaining After Industry Rebound

The United Auto Workers and the Detroit Three domestic auto manufacturers Chrysler Group LLC, Ford Motor Co., and General Motors Co. begin collective bargaining negotiations in summer 2011 to renegotiate their national master contracts...

SUPREME COURT

Supreme Court Justices Have 10 Employment-Related Cases on Docket

The U.S. Supreme Court Jan. 10 resumed its 2010-2011 term and currently has 10 employment-related cases on its docket, including a high-profile sex discrimination class action against Wal-Mart Stores Inc. that is among the term's most...

DHS

Enforcement Focus to Steer Immigration Legislation, Regulations in 2011

Immigration policy in 2011 is likely to center on enforcement measures because Republicans now control the House and the Obama administration is continuing to focus on the E-Verify program and worksite I-9 audits....

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Microsoft Outlook

From: Jablonski, Colleen G.
Sent: Friday, April 08, 2011 3:46 PM
To: Perkins, Victoria
Subject: case status
Attachments: 8APR11 Case status.xls

Vicky, Could you add a sheet for Rachel Feller who will be doing r-cases for about 4 months. Th, C

								April 11, 2011
KIM (Jablonski) (Ext 6330)								
(7:45am - 5:15pm; 5/4/9 - First Monday)								
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	120 Days	Status
<u>"C" CASE</u>								
CB-10116	Boilermakers Local 502 (APComPower)	8/13/2010	2	10/1/2020	10/15/2010	Centralia	12/11/2010	hiring hall case. Transferred from Dianne, 11/19. Chg amended 12/17/10. Threats. Subp dt, 12/27 w 1/11 return. Subpoena. 1-2/11
CB-10151	Boilermakers Local 502 (APComPower)	10/8/2010	2	11/26/2010	12/10/2010	Centralia	2/5/2011	failure to provide hh info.
CB-10172	Boilermakers Local 502 (APComPower)	11/10/2010	3	12/15/2010	12/29/2010	Puyallup	3/10/2011	Chg amended 12/22/10. Threats
CB-10175	Boilermakers Local 502 (CH Murphy/Clark)	11/1/2010	2	12/31/2010	1/14/2011	Centralia	3/1/2011	
CB-10252	Boilermakers Local 502 (JH Kelly)	3/30/2011	2	5/18/2011	6/1/2011	Longview	7/28/2011	
CB-10253	Boilermakers Local 502 (CH Murphy/Clark)	3/30/2011	3	5/4/2011	5/18/2011	Puyallup	7/28/2011	
CA-32942	Crowley Marine Services	2/9/2011	2	3/30/2011	4/13/2001	Seattle	6/9/2011	W/d 3/17/11.
CA-33023	Crowley Marine Services	3/29/2011	2	5/17/2011	5/31/2011	Seattle	7/27/2011	
CA-33003	Cortinas Painting	3/15/2011	3	4/19/2011	5/3/2011	Seattle	7/13/2011	
<u>"C" CASE Post Decision (Deferrals listed on last page of report)</u>								
<u>COMPLAINTS / TRIAL WORK - ACTIVE & INACTIVE</u>								
CA-32517	Rice Services, Inc.	5/4/2010		6/8/2010	6/22/2010	Tacoma	9/1/2010	March 1 trial date
CA-32518	Rice Services, Inc.	5/5/2010		6/9/2010	6/23/2010	Lacey	9/2/2010	
CA-32563	Rice Services, Inc.	6/7/2010		7/12/2010	7/26/2010	Lakewood	10/5/2010	
<u>"R" CASE INVESTIGATIONS / ASSIGNMENTS</u>								

Case Status as of 9/29/2011

							April 11, 2011
LITTLE (JABLONSKI) (6340)							
(? - 4:30) 5/4/9 2nd Monday off.							
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	Status
<u>"R" CASE INVESTIGATIONS / ASSIGNMENTS</u>							
RD-3880	Safeway #3269	11/1/2010				Hamilton	Blocked.
RC-15371	American Medical Response- Bozeman Div.	1/3/2011				Bozeman	Initial Process. Stipped. Closed 2/22/11.
RC-15372	The Boeing Co.	1/3/2011				Seattle	Initial Process. 1/19 Hearing Date; professional and community of interest issues. About 13 days of hearing.
RC-15375	MB Electric, LLC	1/13/2011				Lacey	Pending Election. Closed 3/11/11.
RC-15376	Totem Electric	1/13/2011				Tacoma	Pending Election. Closed 3/10/11.
RC-15387	American Medical Response	2/3/2011				Seattle	Blocked.
RC-15388	Computer Science Corporation	2/4/2011				Tacoma	Stipped. Closed 2/28/11.
RC-15386	Bridgeways	2/2/2011				Everett	Initial Process. Stip. Closed 3/9/11.
RC-15394	Simpson Lumber Co., LLC	3/3/2011				Longview	Initial Process.
RC-15398	VersaCold Logistics Services	3/10/2011				Fife	Initial Process.
RD-3890	Cortinas Painting	3/2/2011				Milton	Initial Process.
RC-15404	Rural Metro Ambulance - Pacific NW	4/4/2011				Everett	Initial Process.
RD-3893	Crown Distributing Co., Inc	4/6/2011				Port Angeles	Initial Process.
RD-3894	Catering Advisors Inc. d/b/a The Athenian Inn	4/7/2011				Seattle	Initial Process.

								April 11, 2011
SNYDER (Jablonski) (Ext 6332)								
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	120 Days	Status
<u>"C" CASE</u>								
CA-32789	Smith's Food & Drug Centers	10/18/2010	2	12/6/2010	12/2/0/10	Kalispell	2/15/2011	Handbook case. Chg amended 12/6/10. Drafted advice memo, 1/11
CA-32943	ER Solutions	2/10/2011	3	3/17/2011	3/31/2011	Renton	6/10/2011	Dismissed 3/31/11.
CA-32938	American Medical Response	2/8/2011	3	3/15/2011	3/29/2011	Tacoma	6/8/2011	
CA-32960	Indoor Comfort Systems, Inc.	2/17/2011	3	3/24/2011	4/7/2011	Tacoma	6/17/2011	
CA-32961	All-Ways Air Control	2/17/2011	2	4/7/2011	4/21/2011	Tacoma	6/17/2011	
CA-32962	Auburn Sheet Metal a.k.a. Treat's Heating and Cooling	2/17/2011	3	3/24/2011	4/7/2011	Enumclaw	6/17/2011	
CA-32963	Auburn Sheet Metal a.k.a. Treat's Heating and Cooling	2/17/2011	3	3/24/2011	4/7/2011	Enumclaw	6/17/2011	
CA-32981	The Rock Wood Fire Pizza, d/b/a The Wedge Corp	2/28/2011	3	4/4/2011	4/18/2011	Sumner	6/28/2011	
CA-32983	Wayron LLC	3/2/2011	3	4/6/2011	4/20/2011	Longview	6/30/2011	Charge Amended 3/9/11.
CA-32984	Wayron LLC	3/2/2011	3	4/6/2011	4/20/2011	Longview	6/30/2011	
CB-10162	UNITE HERE! (Remington)	11/4/2010	2	12/23/2010	1/6/2011	Anchorage	3/4/2011	Dismissed 3/14/11.
CA-32991	Ocean Beauty Seafoods	3/4/2011	3	4/8/2011	4/22/2011	Spokane	7/2/2011	
<u>"C" CASE Post Decision (Deferrals listed on last page of report)</u>								
<u>COMPLAINTS / TRIAL WORK - ACTIVE & INACTIVE</u>								
<u>"R" CASE INVESTIGATIONS / ASSIGNMENTS</u>								
RC-15348	GG Excavation, Inc.	10/4/2010				Anacortes		Closed 12/30/10.
RC-15349	Birchview Memory Care Center	10/12/2010				Sedro Wooley		Blocked
RC-15356	URS Federal Support Services	10/22/2010				Whidbey Island		Closed 1/3/11.

Case Status as of 9/29/2011

RC-15362	Star West Satellite	11/10/2011			Bozeman	Blocked
RD-3883	Lourdes Medical Center	11/17/2010			Pasco	Closed 1/27/11.
RC-15370	AdvanceMed Hanford	12/10/2010			Richland	Closed 1/20/11.
RC-15377	Bremerton AMR	1/18/2011			Bremerton	Initial Investigation. Stip.
RD-3882	Kootenai Electric	11/15/2010			Hayden, ID	Initial Investigation. Stip.
RC-15378	MV Transportation	1/19/2011			Redmond	Initial Investigation. Stip.
RD-3887	Americold Logistics	1/18/2022			Pasco	Initial Investigation. Stip.
RC-15386	Bridgeways				Everett	Election; Trg Erik.
RC-15382	Albertson's Inc.	1/28/2011			Anaconda	Initial Process. Transferred to MS. Stip. Election,2/24.
RC-15383	Albertson's Inc.	1/28/2011			Helena	Initial Process. Transferred to MS. Stip. Election,2/24.
RC-15384	Albertson's Inc.	1/28/2010			Helena	Initial Process. Transferred to MS. w/d.

Case Status as of 9/29/2011

								April 11, 2011
JABLONSKI								
(8:15 – 4:45)								
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	120 Days	Status
<u>“C” CASE</u>								
CA-32951	Lowes Home Improvement	2/14/2011	3	3/21/2011	4/4/2011	Bellingham	6/14/2011	Rules allegation.
CA-32882	Lowes Home Improvement	12/21/2010	3	1/25/2011	2/8/2011	Bellingham	4/20/2011	PCA facebook case. CP aff & follow-up. Drafting CP chronology and FIR. Ee witnesses needed?
CA-32904	Darigold, Inc.	1/13/2011	2	3/3/2011	3/17/2011	Seattle	5/13/2011	Unilateral change case. Follow-up with Er; Drafting FIR. Dismissed 3/31/11.
CA-32934	Ballard Care and Rehabilitation	2/4/2011	2	3/25/2011	4/8/2011	Seattle	6/4/2011	Unilateral change case. Obtained CP aff, 2/28. Ltr to U re potential info allegation. W/d 4/5/11.
CA-32965	Metro Networks Communications	2/18/2011	2	4/8/2011	4/22/2011	Seattle	6/18/2011	Interrogation via email in anticipation of strike. W/d 3/9/11.
CA-32970	Washington Federation of State Employees	2/23/2011	2	4/13/2011	4/27/2011	Olympia	6/23/2011	CP aff, 3/1.
<u>“C” CASE Post Decision (Deferrals listed on last page of report)</u>								
<u>COMPLAINTS / TRIAL WORK - ACTIVE & INACTIVE</u>								
<u>“R” CASE INVESTIGATIONS / ASSIGNMENTS</u>								
RC-15388	Computer Science Corporation	2/4/2011				Tacoma		Closed.

								April 11, 2011
TODD (JABLONSKI) (Ext 6319)								
(8:15 - 4:45; 5/4/9 - Second Monday)								
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	120 days	Status
"C" CASE								
CA-32431	Boeing Company	3/26/2010	3	4/30/2010	5/14/2010	Seattle	7/24/2010	Obtaining CP evidence - CP tardy in producing. Working with Librarian Andrew Martin. Met with R&A for preliminary take. D presented facts and lines of 8-5 cases. Disc 8-1&3. Advice appropriate. Er subpoena, 7/28/10 for brg notes, etc. Drafting FIR. Advice submission, 8/30.
CA-32811	The Boeing Company	11/1/2010	3	12/6/2010	12/20/2010	Seattle		Companion to CA-32431.
CA-32622	CRJ Construction Co.	7/20/2010	3	8/24/2010	9/7/2010	Seatac	11/17/2010	CHG Amended 7/22/10. Lots of all'ns and witnesses - work w/ Fiol. Taking Er affs. Recognition year case. 10j. New chg filed in 11/10 assigned to Fiol. New December & January charges - Fiol's.
CA-32727	CRJ Construction Co.	9/15/2010	3	10/20/2010	11/3/2010	Seatac	1/13/2011	
CA-32749	CRJ Construction Co.	9/20/2010	3	10/25/2010	11/8/2010	Seatac	1/18/2011	Amended 11/8/10. FIR's to RD, 1/11 - needs Fiol's follow-up info.
CB-10213	IBU (Olympic Cascade Services, Inc.)	12/10/2010	2	1/28/2011	2/11/2011	Seattle	4/9/2011	Related to CA case which was cond withdrawn. Material misrepresentation. Settlement 3/22/11.
CA-32955	Star Protection Agency	2/15/2011	2	4/5/2011	4/19/2011	Bellevue	6/15/2011	W/d 3/30/11.
CA-33004	Double Tree Seattle Airport	3/16/2011	2	5/4/2011	5/18/2011	SeaTac	7/14/2011	
CA-33005	United Warehouses	3/17/2011	2	5/5/2011	5/19/2011	Seattle	7/15/2011	
CA-33018	Auburn Regional Medical Center	3/24/2011	3	4/28/2011	5/12/2011	Auburn	7/22/2011	
CA-33029	Calbag Steel, LLC	3/30/2011	2	5/18/2011	6/1/2011	Tacoma	7/28/2011	
CA-33031	Ponderay Newsprint Company	3/31/2011	3	5/5/2011	5/19/2011	Usk	7/29/2011	
CA-33039	Ponderay Newsprint Company	4/5/2011	3	5/10/2011	5/24/2011	Usk	8/3/2011	
CB-10250	Paper Workers, Local 422 (Ponderay)	3/28/2011	3	5/2/2011	5/16/2011	Usk	7/26/2011	

"C" CASE - COMPLIANCE						
	<u>2 old deferral cases??</u>					
<u>COMPLAINTS / TRIAL WORK - ACTIVE & INACTIVE</u>						
<u>"R" CASE INVESTIGATIONS / ASSIGNMENTS</u>						
	Starts rotation 11/30!					Follow-up on November cases - lots of.
RD-3879	Fred Meyer, Inc.	10/25/2010			Wenatchee	Pending Certification. Closed 1/31/10.
RC-15355	ABW Technologies	10/21/2010			Arlington	Closed 12/09/10.
RC-15357	Super Supplements	10/25/2010			Olympia	Closed 12/14/10.
RC-15359	Providence	10/29/2010			Colville	Closed 12/16/10.
RC-15361	Skookum Fleet Management	11/8/2010			Bremerton	Closed 12/08/10.
RD-3881	CHS, Inc.	11/8/2010			Pasco	Blocked.
RC-15363	Animal Supply Co.	11/10/2010			Fife	Closed 12/22/10.
RD-3882	Kootenai Electric	11/15/2010			Hayden, ID	Initial Process. Closed 2/28/11.
RC-15366	Chevron Pipeline	11/19/2010			Ferndale	Closed 1/13/11.
RC-15368	Purcell P&C LLC	11/22/2010			Tukwila	Stip. Closed 1/26/11.
RC-15369	Tacoma Longshore Credit Union	12/6/2010			Tacoma	Petition w/d 12/9. VR.
RC-15370	Advance Med Hanford	12/10/2010			Richland	Initial Process. Stip. Closed 1/20/11.
RD-3886	Mercer Island Care & Rehab	12/16/2010			Mercer Island	Initial Process. Blocked.
RC-15373	Mowat Construction	1/13/2011			Woodinville	Initial Process. Closed 3/11/11.
RC-15374	J H Kelly	1/13/2011			Longview	Initial Process.
RC-15375	MB Electric, LLC	1/13/2011			Lacey	Initial Process. Closed 3/11/11.
RC-15376	Totem Electric of Tacoma	1/13/2011			Tacoma	Initial Process. Closed 3/10/11.
RC-15379	Tucci & Sons, Inc.	1/19/2011			Tacoma	Initial Process.
RC-15380	Miles Resources LLC	1/19/2011			Puyallup	Initial Process.
RC-15381	First Transit	1/25/2011			Lakewood	Initial Process.
RC-15382	Albertson's Inc.	1/28/2011			Anaconda	Initial Process. Transferred to MS. Closed 3/4/11.
RC-15383	Albertson's Inc.	1/28/2011			Helena	Initial Process. Transferred to MS. W/d 3/9/11.
RC-15384	Albertson's Inc.	1/28/2010			Helena	Initial Process. Transferred to MS. W/d 3/9/11.
RC-15385	Cobra Painting/Accupainting	1/28/2011			Seattle	Initial Process. Blocked.
RD-3888	Nordstrom	1/21/2011			Seattle	Initial Process. Blocked. W/d.
UD-609	Nordstrom	1/21/2011			Seattle	W/d.
RC-15392	Clarkston Care Center	2/18/2011			Clarkston	Initial Process. Lots of b&f. W/d

RC-15393	Hinshaw's Acura	2/18/2011			Fife		Initial Process. Stip.
RD-3889	Ocean Beauty Seafoods	2/24/2011			Spokane		Initial Process.
RC-15395	American Medical Response	3/3/2011			Kennewick		Initial Process
RC-15396	Clarkston Care Center	3/8/2011			Clarkston		Initial Process.
RC-15397	Clarkston Care Center	3/8/2011			Clarkston		Initial Process.
RC-15399	Rural/Metro of Greater Seattle, Inc.	3/10/2011			Tacoma		Initial Process.
WH-11	Municipal Light and Power	3/4/2011			Anchorage		Initial Process.
RC-15400	Group Health Cooperative	3/14/2011			Spokane		Closed.

						April 11, 2011	
DEFERRED "C" CASES							
KIM							
CA-31954	Saar's Inc., represented by Sahara, Inc.	6/9/2009	2	7/28/2009	10/7/2009	8/18/09; Collyer D	
CA-32332	Longview Fibre Paper and Packaging	1/29/2010	1	4/9/2010	4/23/2010	3/11/10; Collyer D	
CA-32351	Weyerhaeuser	2/11/2010	2	4/1/2010	4/15/2010	4/12/2010; Collyer D	
CA-32393	Weyerhaeuser Co	3/10/2010	3	4/14/2010	4/28/2010	4/16/2010; Collyer D	
CA-32765	Weyerhaeuser Co.	9/30/2010	2	11/18/2010	12/2/2010	12/28/11; Collyer D	
CA-32567	Vela Pizzeria & Lounge	6/10/2010	1	8/19/2010	9/2/2010	10/28/10; Collyer D	
CA-32762	Vela Pizzeria & Lounge	9/28/2010	1	12/7/2010	12/21/2010	1/31/11; Collyer D	
DUNN							
CA-31138	Qwest Communications	11/29/2007	2	1/17/2008	1/31/2008	1/22/08; Collyer D	
CA-32341	Nippon Paper Industries USA	2/5/2010	2	3/26/2010	6/5/2010	4/21/10; Collyer D	
CA-32586	ADM	6/29/2010	2	8/17/2010	8/31/2010	8/25/10; Collyer D	
CA-32646	HMS Host	7/30/2010	1	10/8/2010	10/22/2010	10/19/10; Collyer D	
Synder							
CA-31708	Longview Fibre Paper and Packaging	1/30/2009	1	4/10/2009	4/24/2009	4/16/09; Collyer D	
CA-32111	Qwest Corp.	9/16/2009	2	11/4/2009	11/18/2009	10/08/09; Collyer D	
CA-32242	Providence Mt. St. Vincent	12/3/2009	1	2/11/2010	2/25/2010	2/5/10; Collyer D	
CA-32524	Allied Waste/Republic Services	5/7/2010	2	6/25/2010	7/9/2010	6/22/10; Collyer D	
CA-32366	Macy's	2/18/2010	2	4/8/2010	4/22/2010	6/22/10; Collyer D	
CA-32750	Horizon House	9/21/2010	2	11/9/2010	11/23/2010	11/18/10; Collyer D	1/19/2011
CA-32825	Columbia Distributors	11/8/2010	1	1/17/2011	1/31/2011	12/10/10; Collyer D	
CA-32862	Smith's Food & Drug Centers	12/6/2010	2	1/24/2011	2/7/2011	2/2/11; Collyer D	
TODD							
CA-28499	Providence St. Peter	2/11/2003		4/22/2003	5/6/2003	5/15/03; Collyer D	
CA-31011	United States Postal Service	8/15/2007		10/3/2007	10/17/2008	2/08/08; Collyer D	
CA-32502	Weyerhaeuser Co.	4/26/2010		7/5/2010	7/19/2010	7/30/10; Collyer D	
CA-32555	Weyerhaeuser Co.	6/4/2010		7/23/2010	8/6/2010	8/30/10; Collyer D	
CA-32470	Douglas Fruit	4/15/2010	3	5/20/2010	8/13/2010	4/29/10; Abeyance	

Case Status as of 9/29/2011

Microsoft Outlook

From: Jablonski, Colleen G.
Sent: Tuesday, April 12, 2011 3:44 PM
To: Todd, Dianne; Snyder, Michael J.; Kim, Angelie C.; Little, Janet C
Cc: Perkins, Victoria; Rooker, Karen
Subject: case status
Attachments: 11APR11 Case status.xls

								April 11, 2011
KIM (Jablonski) (Ext 6330)								
(7:45am - 5:15pm; 5/4/9 - First Monday)								
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	120 Days	Status
<u>"C" CASE</u>								
CB-10116	Boilermakers Local 502 (APComPower)	8/13/2010	2	10/1/2020	10/15/2010	Centralia	12/11/2010	hiring hall case. Transferred from Dianne, 11/19. Chg amended 12/17/10. Threats. Subp dt, 12/27 w 1/11 return. Subpoena. 1-2/11
CB-10151	Boilermakers Local 502 (APComPower)	10/8/2010	2	11/26/2010	12/10/2010	Centralia	2/5/2011	failure to provide hh info.
CB-10172	Boilermakers Local 502 (APComPower)	11/10/2010	3	12/15/2010	12/29/2010	Puyallup	3/10/2011	Chg amended 12/22/10. Threats
CB-10175	Boilermakers Local 502 (CH Murphy/Clark)	11/1/2010	2	12/31/2010	1/14/2011	Centralia	3/1/2011	
CB-10252	Boilermakers Local 502 (JH Kelly)	3/30/2011	2	5/18/2011	6/1/2011	Longview	7/28/2011	
CB-10253	Boilermakers Local 502 (CH Murphy/Clark)	3/30/2011	3	5/4/2011	5/18/2011	Puyallup	7/28/2011	
CA-33023	Crowley Marine Services	3/29/2011	2	5/17/2011	5/31/2011	Seattle	7/27/2011	8-3 suspension; Spielberg review of settlement; and investigate.
CA-33003	Cortinas Painting	3/15/2011	3	4/19/2011	5/3/2011	Seattle	7/13/2011	Surface brg; direct dealing; 8-1s
CA-33043	Saars							surface bargaining; closure
<u>"C" CASE Post Decision (Deferrals listed on last page of report)</u>								
<u>COMPLAINTS / TRIAL WORK - ACTIVE & INACTIVE</u>								
CA-32517	Rice Services, Inc.	5/4/2010		6/8/2010	6/22/2010	Tacoma	9/1/2010	March 1 trial date
CA-32518	Rice Services, Inc.	5/5/2010		6/9/2010	6/23/2010	Lacey	9/2/2010	
CA-32563	Rice Services, Inc.	6/7/2010		7/12/2010	7/26/2010	Lakewood	10/5/2010	
<u>"R" CASE INVESTIGATIONS / ASSIGNMENTS</u>								

Case Status as of 9/29/2011

							April 11, 2011
LITTLE (JABLONSKI) (6340)							
(? - 4:30) 5/4/9 2nd Monday off.							
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	Status
<u>"R" CASE INVESTIGATIONS / ASSIGNMENTS</u>							
RD-3880	Safeway #3269	11/1/2010				Hamilton	Blocked.
RC-15371	American Medical Response- Bozeman Div.	1/3/2011				Bozeman	Initial Process. Stipped. Closed 2/22/11.
RC-15372	The Boeing Co.	1/3/2011				Seattle	Initial Process. 1/19 Hearing Date; professional and community of interest issues. About 13 days of hearing.
RC-15375	MB Electric, LLC	1/13/2011				Lacey	Pending Election. Closed 3/11/11.
RC-15376	Totem Electric	1/13/2011				Tacoma	Pending Election. Closed 3/10/11.
RC-15387	American Medical Response	2/3/2011				Seattle	Blocked.
RC-15388	Computer Science Corporation	2/4/2011				Tacoma	Stipped. Closed 2/28/11.
RC-15386	Bridgeways	2/2/2011				Everett	Initial Process. Stip. Closed 3/9/11.
RC-15394	Simpson Lumber Co., LLC	3/3/2011				Longview	Initial Process.
RC-15398	VersaCold Logistics Services	3/10/2011				Fife	Initial Process.
RD-3890	Cortinas Painting	3/2/2011				Milton	Initial Process. Blocked.
RC-15404	Rural Metro Ambulance - Pacific NW	4/4/2011				Everett	Initial Process.
RD-3893	Crown Distributing Co., Inc	4/6/2011				Port Angeles	Initial Process.
RD-3894	Catering Advisors Inc. d/b/a The Athenian Inn	4/7/2011				Seattle	Initial Process.

								April 11, 2011
SNYDER (Jablonski) (Ext 6332)								
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	120 Days	Status
<u>"C" CASE</u>								
CA-32789	Smith's Food & Drug Centers	10/18/2010	2	12/6/2010	12/2/0/10	Kalispell	2/15/2011	Handbook case. Chg amended 12/6/10. Drafted advice memo, 1/11
CA-32943	ER Solutions		3			Renton	6/10/2011	Facebook case. Agenda in March with advice decision on pca and rule, but solicit amended chg for rule... Drafted advice memo. Some follow-up. Advice memo to RA on 4/7.
CA-32938	American Medical Response	2/10/2011 2/8/2011	3	3/17/2011 3/15/2011	3/31/2011 3/29/2011	Tacoma	6/8/2011	Lee Lumber-Master Slack case; Merit/No merit; Partial dismissed 3/31/11. Reconsideration on 4/7 and merit dismissal on remaining portion of case.
CA-32960	Indoor Comfort Systems, Inc.	2/17/2011	3	3/24/2011	4/7/2011	Tacoma	6/17/2011	FIR & file w/spr.
CA-32961	All-Ways Air Control	2/17/2011	2	4/7/2011	4/21/2011	Tacoma	6/17/2011	8-1 FIR circulated 3/31.
CA-32962	Auburn Sheet Metal a.k.a. Treat's Heating and Cooling	2/17/2011	3	3/24/2011	4/7/2011	Enumclaw	6/17/2011	
CA-32963	Auburn Sheet Metal a.k.a. Treat's Heating and Cooling	2/17/2011	3	3/24/2011	4/7/2011	Enumclaw	6/17/2011	
CA-32981	The Rock Wood Fire Pizza, d/b/a The Wedge Corp	2/28/2011	3	4/4/2011	4/18/2011	Sumner	6/28/2011	Facebook case.
CA-32983	Wayron LLC	3/2/2011	3	4/6/2011	4/20/2011	Longview	6/30/2011	10j case. Charge Amended 3/9/11 & 4/? W/d of recognition, discharges, etc.
CA-32984	Wayron LLC	3/2/2011	3	4/6/2011	4/20/2011	Longview	6/30/2011	
CA-32991	Ocean Beauty Seafoods	3/4/2011	3	4/8/2011	4/22/2011	Spokane	7/2/2011	SAD approved 4/8.
CA-32951	Lowes Home Improvement	2/14/2011	3	3/21/2011	4/4/2011	Bellingham	6/14/2011	Rules allegation.
CA-32882	Lowes Home Improvement	12/21/2010	3	1/25/2011	2/8/2011	Bellingham	4/20/2011	PCA facebook case. CP aff & follow-up. Drafting CP chronology and FIR. Ee witnesses needed?
<u>"C" CASE Post Decision (Deferrals listed on last page of report)</u>								

Case Status as of 9/29/2011

COMPLAINTS / TRIAL WORK - ACTIVE & INACTIVE							
"R" CASE INVESTIGATIONS / ASSIGNMENTS							
RC-15348	GG Excavation, Inc.	10/4/2010			Anacortes		Closed 12/30/10.
RC-15349	Birchview Memory Care Center	10/12/2010			Sedro Wooley		Blocked
RC-15356	URS Federal Support Services	10/22/2010			Whidbey Island		Closed 1/3/11.
RC-15362	Star West Satellite	11/10/2011			Bozeman		Blocked
RD-3883	Lourdes Medical Center	11/17/2010			Pasco		Closed 1/27/11.
RC-15370	AdvanceMed Hanford	12/10/2010			Richland		Closed 1/20/11.
RC-15377	Bremerton AMR	1/18/2011			Bremerton		Initial Investigation. Stip.
RD-3882	Kootenai Electric	11/15/2010			Hayden, ID		Initial Investigation. Stip.
RC-15378	MV Transportation	1/19/2011			Redmond		Initial Investigation. Stip.
RD-3887	Americold Logistics	1/18/2022			Pasco		Initial Investigation. Stip.
RC-15386	Bridgeways				Everett		Election; Trg Erik.
RC-15382	Albertson's Inc.	1/28/2011			Anaconda		Initial Process. Transferred to MS. Stip. Election, 2/24.
RC-15383	Albertson's Inc.	1/28/2011			Helena		Initial Process. Transferred to MS. Stip. Election, 2/24.
RC-15384	Albertson's Inc.	1/28/2010			Helena		Initial Process. Transferred to MS. w/d.
	Clarkston Care						Idaho election, 4/5
	AMR						Pasco election, 4/7
	Simpson Lumber						Longview election, 4/12

Case Status as of 9/29/2011

								April 11, 2011
STEIN/JABLONSKI								
(8:15 – 4:45)								
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	120 Days	Status
<u>“C” CASE</u>								
CA-32970	Washington Federation of State Employees	2/23/2011	2	4/13/2011	4/27/2011	Olympia	6/23/2011	CP aff, 3/1. Finalized 4/5.
<u>“C” CASE Post Decision (Deferrals listed on last page of report)</u>								
<u>COMPLAINTS / TRIAL WORK - ACTIVE & INACTIVE</u>								
<u>“R” CASE INVESTIGATIONS / ASSIGNMENTS</u>								

								April 11, 2011
TODD (JABLONSKI) (Ext 6319)								
(8:15 - 4:45; 5/4/9 - Second Monday)								
Case #	Case Name	Filed	C	Dec.Date	Disp Date	Location	120 days	Status
<u>"C" CASE</u>								
CA-32431	Boeing Company	3/26/2010	3	4/30/2010	5/14/2010	Seattle	7/24/2010	Obtaining CP evidence - CP tardy in producing. Working with Librarian Andrew Martin. Met with R&A for preliminary take. D presented facts and lines of 8-5 cases. Disc 8-1&3. Advice appropriate. Er subpoena, 7/28/10 for brg notes, etc. Drafting FIR. Advice submission, 8/30.
CA-32811	The Boeing Company	11/1/2010	3	12/6/2010	12/20/2010	Seattle		Companion to CA-32431.
CA-32622	CRJ Construction Co.	7/20/2010	3	8/24/2010	9/7/2010	Seatac	11/17/2010	CHG Amended 7/22/10. Lots of all'ns and witnesses - work w/ Fiol. Taking Er affs. Recognition year case. 10j. New chg filed in 11/10 assigned to Fiol. New December & January charges - Fiol's.
CA-32727	CRJ Construction Co.	9/15/2010	3	10/20/2010	11/3/2010	Seatac	1/13/2011	
CA-32749	CRJ Construction Co.	9/20/2010	3	10/25/2010	11/8/2010	Seatac	1/18/2011	Amended 11/8/10. FIR's to RD, 1/11 - needs Fiol's follow-up info.
CA-33004	Double Tree Seattle Airport	3/16/2011	2	5/4/2011	5/18/2011	SeaTac	7/14/2011	
CA-33005	United Warehouses	3/17/2011	2	5/5/2011	5/19/2011	Seattle	7/15/2011	
CA-33018	Auburn Regional Medical Center	3/24/2011	3	4/28/2011	5/12/2011	Auburn	7/22/2011	
CA-33029	Calbag Steel, LLC	3/30/2011	2	5/18/2011	6/1/2011	Tacoma	7/28/2011	
CA-33031	Ponderay Newsprint Company	3/31/2011	3	5/5/2011	5/19/2011	Usk	7/29/2011	
CA-33039	Ponderay Newsprint Company	4/5/2011	3	5/10/2011	5/24/2011	Usk	8/3/2011	
CB-10250	Paper Workers, Local 422 (Ponderay)	3/28/2011	3	5/2/2011	5/16/2011	Usk	7/26/2011	
<u>"C" CASE - COMPLIANCE</u>								
	<u>2 old deferral cases??</u>							
<u>COMPLAINTS / TRIAL WORK - ACTIVE & INACTIVE</u>								

"R" CASE INVESTIGATIONS / ASSIGNMENTS							
	Starts rotation 11/30!						
RD-3879	Fred Meyer, Inc.	10/25/2010			Wenatchee		Follow-up on November cases - lots of.
RC-15355	ABW Technologies	10/21/2010			Arlington		Pending Certification. Closed 1/31/10.
RC-15357	Super Supplements	10/25/2010			Olympia		Closed 12/09/10.
RC-15359	Providence	10/29/2010			Colville		Closed 12/14/10.
RC-15361	Skookum Fleet Management	11/8/2010			Bremerton		Closed 12/16/10.
RD-3881	CHS, Inc.	11/8/2010			Pasco		Closed 12/08/10.
RC-15363	Animal Supply Co.	11/10/2010			Fife		Blocked.
RD-3882	Kootenai Electric	11/15/2010			Hayden, ID		Closed 12/22/10.
RC-15366	Chevron Pipeline	11/19/2010			Ferndale		Initial Process. Closed 2/28/11.
RC-15368	Purcell P&C LLC	11/22/2010			Tukwila		Closed 1/13/11.
RC-15369	Tacoma Longshore Credit Union	12/6/2010			Tacoma		Stip. Closed 1/26/11.
							Petition w/d 12/9. VR.
RC-15370	Advance Med Hanford	12/10/2010			Richland		Initial Process. Stip. Closed 1/20/11.
RD-3886	Mercer Island Care & Rehab	12/16/2010			Mercer Island		Initial Process. Blocked.
RC-15373	Mowat Construction	1/13/2011			Woodinville		Initial Process. Closed 3/11/11.
RC-15374	J H Kelly	1/13/2011			Longview		Initial Process.
RC-15375	MB Electric, LLC	1/13/2011			Lacey		Initial Process. Closed 3/11/11.
RC-15376	Totem Electric of Tacoma	1/13/2011			Tacoma		Initial Process. Closed 3/10/11.
RC-15379	Tucci & Sons, Inc.	1/19/2011			Tacoma		Initial Process.
RC-15380	Miles Resources LLC	1/19/2011			Puyallup		Initial Process.
RC-15381	First Transit	1/25/2011			Lakewood		Initial Process.
RC-15382	Albertson's Inc.	1/28/2011			Anaconda		Initial Process. Transferred to MS. Closed 3/4/11.
RC-15383	Albertson's Inc.	1/28/2011			Helena		Initial Process. Transferred to MS. W/d 3/9/11.
RC-15384	Albertson's Inc.	1/28/2010			Helena		Initial Process. Transferred to MS. W/d 3/9/11.
RC-15385	Cobra Painting/Accupainting	1/28/2011			Seattle		Initial Process. Blocked.
RD-3888	Nordstrom	1/21/2011			Seattle		Initial Process. Blocked. W/d.
UD-609	Nordstrom	1/21/2011			Seattle		W/d.
RC-15392	Clarkston Care Center	2/18/2011			Clarkston		Initial Process. Lots of b&f. W/d
RC-15393	Hinshaw's Acura	2/18/2011			Fife		Initial Process. Stip.
RD-3889	Ocean Beauty Seafoods	2/24/2011			Spokane		Initial Process. Blocked
RC-15395	American Medical Response	3/3/2011			Kennewick		Initial Process. Stip.
RC-15396	Clarkston Care Center	3/8/2011			Clarkston		Initial Process. Stip.

RC-15397	Clarkston Care Center	3/8/2011			Clarkston		Initial Process. w/d.
RC-15399	Rural/Metro of Greater Seattle, Inc.	3/10/2011			Tacoma		Initial Process. Stip.
WH-11	Municipal Light and Power	3/4/2011			Anchorage		Initial Process. Order to show cause.
RC-15400	Group Health Cooperative	3/14/2011			Spokane		Nego'ns leading to resolution. Closed.

						April 11, 2011	
DEFERRED "C" CASES							
KIM							
CA-31954	Saar's Inc., represented by Sahara, Inc.	6/9/2009	2	7/28/2009	10/7/2009	8/18/09; Collyer D	
CA-32332	Longview Fibre Paper and Packaging	1/29/2010	1	4/9/2010	4/23/2010	3/11/10; Collyer D	
CA-32351	Weyerhaeuser	2/11/2010	2	4/1/2010	4/15/2010	4/12/2010; Collyer D	
CA-32393	Weyerhaeuser Co	3/10/2010	3	4/14/2010	4/28/2010	4/16/2010; Collyer D	
CA-32765	Weyerhaeuser Co.	9/30/2010	2	11/18/2010	12/2/2010	12/28/11; Collyer D	
CA-32567	Vela Pizzeria & Lounge	6/10/2010	1	8/19/2010	9/2/2010	10/28/10; Collyer D	
CA-32762	Vela Pizzeria & Lounge	9/28/2010	1	12/7/2010	12/21/2010	1/31/11; Collyer D	
DUNN							
CA-31138	Qwest Communications	11/29/2007	2	1/17/2008	1/31/2008	1/22/08; Collyer D	
CA-32341	Nippon Paper Industries USA	2/5/2010	2	3/26/2010	6/5/2010	4/21/10; Collyer D	
CA-32586	ADM	6/29/2010	2	8/17/2010	8/31/2010	8/25/10; Collyer D	
CA-32646	HMS Host	7/30/2010	1	10/8/2010	10/22/2010	10/19/10; Collyer D	
Synder							
CA-31708	Longview Fibre Paper and Packaging	1/30/2009	1	4/10/2009	4/24/2009	4/16/09; Collyer D	
CA-32111	Qwest Corp.	9/16/2009	2	11/4/2009	11/18/2009	10/08/09; Collyer D	
CA-32242	Providence Mt. St. Vincent	12/3/2009	1	2/11/2010	2/25/2010	2/5/10; Collyer D	
CA-32524	Allied Waste/Republic Services	5/7/2010	2	6/25/2010	7/9/2010	6/22/10; Collyer D	
CA-32366	Macy's	2/18/2010	2	4/8/2010	4/22/2010	6/22/10; Collyer D	
CA-32750	Horizon House	9/21/2010	2	11/9/2010	11/23/2010	11/18/10; Collyer D	1/19/2011
CA-32825	Columbia Distributors	11/8/2010	1	1/17/2011	1/31/2011	12/10/10; Collyer D	
CA-32862	Smith's Food & Drug Centers	12/6/2010	2	1/24/2011	2/7/2011	2/2/11; Collyer D	
TODD							
CA-28499	Providence St. Peter	2/11/2003		4/22/2003	5/6/2003	5/15/03; Collyer D	
CA-31011	United States Postal Service	8/15/2007		10/3/2007	10/17/2008	2/08/08; Collyer D	
CA-32502	Weyerhaeuser Co.	4/26/2010		7/5/2010	7/19/2010	7/30/10; Collyer D	
CA-32555	Weyerhaeuser Co.	6/4/2010		7/23/2010	8/6/2010	8/30/10; Collyer D	
CA-32470	Douglas Fruit	4/15/2010	3	5/20/2010	8/13/2010	4/29/10; Abeyance	

Case Status as of 9/29/2011

Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, April 21, 2011 9:55 AM
To: Katz, Judy
Subject: FW: today's wsj coverage
Attachments: image001.jpg

From: [REDACTED] *Exemption 6 - Privacy*
Sent: Thursday, April 21, 2011 8:10 AM
To: Willen, Debra L
Subject: today's wsj coverage

Wall Street Journal April 21, 2011

Boeing to Fight Order to Move 787
By [MELANIE TROTTMAN](#)

The National Labor Relations Board Wednesday said aircraft maker [Boeing](#) Co. violated federal labor law by building a second production line for its 787 Dreamliner at a non-union factory in South Carolina, siding with union workers in Washington State who charged the decision was retaliation for their past strikes.

The Chicago company called the NLRB's complaint "legally frivolous" and a "radical departure" from precedents. It said it will fight the complaint, which was sought by the International Association of Machinists and Aerospace Workers union.

The NLRB's action comes amid a broad conflict over the role of unions in the economy. Unions have responded to setbacks in the 2010 elections, which put Republicans in charge of the U.S. House of Representatives and in state houses around the country, by pressing the Obama administration and the majority Democrat NLRB to favor union positions.

President Barack Obama also has been trying to cultivate business leaders by promising to review and possibly roll back regulation, and doing more to help U.S. companies boost exports. Boeing is a big U.S. exporter.

[View Full Image](#)



Agence France-Presse/Getty Images

Boeing plans to build the 787 Dreamliner, shown above in Washington state in March, at a non-union plant.

NLRB Acting General Counsel Lafe Solomon said that in repeated statements to employees and the media, Boeing executives cited the unionized employees' past strike activity and the possibility of future strikes as the overriding factors in deciding to locate the second production line at the nonunion facility. The comments were coercive and motivated by a desire to retaliate against workers for past strikes, while attempting to discourage future strike activity, the agency charged.

"A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Mr. Solomon said in a statement. "We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law."

Mr. Solomon proposed a board order that would require Boeing to operate the second production line in Washington State. Boeing said it is scheduled to begin assembling planes in July at the South Carolina facility, where more than 1,000 new workers have been hired.

John Raudabaugh, a former NLRB Republican member who represents companies for Washington, D.C., law firm Nixon Peabody LLP, said Boeing executives should have been more measured with their words. "I think it's unfortunate if they said it the way it has been reported," he said. "They should have offered up a cost-related explanation," Mr. Raudabaugh said.

Sen. Lindsey Graham (R., S.C.) attacked the NLRB in a statement, saying that if the board's action is upheld it would "allow unions to hold a virtual 'veto' over business decisions." Mr. Graham said the NLRB is trying to punish states such as South Carolina where unions are relatively weak, and he said he'd seek legislation to cut off funding for "this wild goose chase."

Joe Trauger, a vice president at the National Association of Manufacturers, said the NLRB's decision sends a message that companies with union representation can't expand in right-to-work states. If the complaint succeeds "no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," he said.

The board is reversing decades of its own precedent and Supreme Court rulings to "advance its agenda to expand unionization," Mr. Trauger said. "If the IAM and NLRB succeed in their complaint, no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," Mr. Trauger said. IAM Vice President Rich Michalski, whose union represents more than 35,000 Boeing workers, praised the decision, saying Boeing "needs to rethink its strategy of repeatedly alienating its most valuable asset: the highly-skilled workers who build Boeing aircraft."

The NLRB said it plans to hold a hearing June 14 before an NLRB administrative judge in Seattle "absent a settlement between the two parties."

Boeing said it held "extensive" talks with the Machinists about potentially placing the additional production in Washington. But that failed amid demands "that would have hampered the company's competitiveness in the increasingly competitive global market for large commercial airplanes," the company said.

Boeing said the Machinists ultimately have suffered no job losses from the decision because the company has increased employment in the Puget Sound area by about 2,000 workers since deciding to expand in South Carolina in October 2009.

IRS Circular 230 Disclosure: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this communication, including attachments, was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of avoiding any penalties that may be imposed on such taxpayer by the Internal Revenue Service. In addition, if any such tax advice is used or referred to by other parties in promoting, marketing or recommending any partnership or other entity, investment plan or arrangement, then (i) the advice should be construed as written in connection with the promotion or marketing by others of the transaction(s) or matter(s) addressed in this communication and (ii) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.



Microsoft Outlook

Subject: Discuss Boeing before meeting w/ Co.
Location: Barry's office

Start: Wed 11/10/2010 1:30 PM
End: Wed 11/10/2010 2:30 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Required Attendees: Farrell, Ellen; Willen, Debra L; Szapiro, Miriam; Kearney, Barry J.

When: Wednesday, November 10, 2010 1:30 PM-2:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Barry's office

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Microsoft Outlook

From: Martin, Andrew
Sent: Wednesday, July 13, 2011 8:20 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Broido, Julie; Burdick, Ruth E.; Burton, Spence; Byas, Stacie; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dietz, Jessica; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Fedorova, Ioulia; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Hoyte, Joan E.; Hubbel, Daniel L.; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kim, Angelie C.; Kim, Soye; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Mulligan, Robert E.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

Court Halts NLRB Unfair Labor Practice Case, Citing Tribal Sovereignty of Chickasaw Nation

A federal district court in Oklahoma July 11 granted the Chickasaw Nation's request for a preliminary injunction barring the National Labor Relations Board from proceeding to hear charges by International Brotherhood of Teamsters...

IAM Files Charges Against AFA-CWA With NMB Over United-Continental Election

CHICAGO—The International Association of Machinists filed charges with the National Mediation Board July 11 protesting the conduct of the Association of Flight Attendants-Communications Workers of America during the recent representation...

Massachusetts Governor Approves Limits On Union Say in Municipal Health Bargaining

BOSTON—Massachusetts Gov. Deval Patrick (D) July 11 signed into law a fiscal 2012 budget (H.B. 3535) that includes curbs on public employee health bargaining aimed at saving cities and towns \$100 million a year....

NLRB's Weekly Summary of Cases, Dated July 4-8, 2011

Congress may force release of NLRB Boeing records

Chicago Tribune – 07/13/11 07:24 –

[28 other sources \(Road Runner, Belleville News-Democrat, ...\)](#)

Words matched: Lafe Solomon

The chairman of a congressional committee investigating the ongoing labor dispute over a South Carolina Boeing plant is prepared to use subpoenas to force labor officials to hand over documents from their investigation, according to a letter sent Tuesday to the National Labor Relations Board's chief

...Relations Board's chief attorney. In the letter to NLRB general counsel **Lafe Solomon**, Republican U.S. Rep. Darrell Issa of California argues ...

McCormick Place union accepts new labor rules: report

Chicago Real Estate Daily – 07/12/11 19:43 –

[1 other source \(Chicago Business\)](#)

Words matched: National Labor Relations Act

Air France, Alitalia suspend flights to O'Hare McCormick Place union accepts new labor rules: report Groupon begins travel discounts with Expedia Booth startups net \$85 million — a record for U of C biz school Groupon offers first car deal Jewel facing \$75,000 OSHA fine for warehouse lapses View All

*...federal judge ruled in March that the labor reforms violate the **National Labor Relations Act**. The Metropolitan Pier and Exposition Authority ,*

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Washington, DC 20570
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(202) 273-2906 fax
andrew.martin@nrlb.gov

Microsoft Outlook

From: Martin, Andrew
Sent: Thursday, July 14, 2011 8:20 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Broido, Julie; Burdick, Ruth E.; Burton, Spence; Byas, Stacie; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dietz, Jessica; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Fedorova, Ioulia; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Hoyte, Joan E.; Hubbel, Daniel L.; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kim, Angelie C.; Kim, Soye; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Mulligan, Robert E.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

House Panel Presses NLRB for Documents, Calling Boeing Case Disclosures Incomplete

National Labor Relations Board Acting General Counsel Lafe E. Solomon has not satisfied lawmakers' requests for documents concerning an unfair labor practice complaint against Boeing Co., Rep. Darrell Issa (R-Calif.), chairman...

Eighth Circuit Revives ABF Freight Lawsuit Against YRC, Teamsters Over Concessions

The U.S. Court of Appeals for the Eighth Circuit July 6 revived a previously dismissed lawsuit filed by ABF Freight System against the International Brotherhood of Teamsters and competing trucking company YRC Worldwide over allegations...

Global Unions File Complaint With OECD Against Deutsche Telekom for 'Union Busting'

The Communications Workers of America, the UNI Global Union federation, and the German-based ver.di union July 12 alleged that Deutsche Telekom AG, the parent company of T-Mobile USA, has violated the guidelines of the Organization for Economic...

TV union plans protest over new contract

Pjstar.com – 07/13/11 23:15 –

Words matched: National Labor Relations Board

Rally will be at UAW Local 974, near the WEEK/WHOI property

...time. "We could legally challenge (the contract) with the **National Labor Relations Board**. We wanted to have another bargaining meeting (with...

Players reject Louisville Orchestra offer; Letter ultimatum spurs union rally

The Courier-Journal (AP) – 07/13/11 01:39 –

Words matched: National Labor Relations Board

On the day Louisville Orchestra players were supposed to respond to an ultimatum from managers, they rallied and delivered personal messages to the CEO's office.

...through the musicians' union, could be grounds for a complaint with the **National Labor Relations Board**, Tichenor said a federal suit isn't in the...

Andrew Martin
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Washington, DC 20570
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(202) 273-2906 fax
andrew.martin@nrlb.gov

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Thursday, August 26, 2010 11:17 AM
To: Rooker, Karen; Pomerantz, Anne; Kobe, James; Jones, Elan J.; Hickey, Daniel
Cc: Jablonski, Colleen G.; Todd, Dianne
Subject: RE: Noel Canning, Case 19-CA-32519

Lots to do...so I'll start with whichever team first arrives!
R

From: Rooker, Karen
Sent: Wednesday, August 25, 2010 5:04 PM
To: Ahearn, Richard L.; Pomerantz, Anne; Kobe, James; Jones, Elan J.; Hickey, Daniel
Subject: Noel Canning, Case 19-CA-32519

I will be out of the office tomorrow morning until about 10:00 a.m. Dan Hickey will be acting for me until I arrive. Since Dan will be out of the office this Friday and the following Monday, he would like to agenda Noel Canning before the Boeing agenda. Hopefully, that will work for everyone.

Thanks so much,

Karen

Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, October 21, 2010 4:06 PM
To: Omberg, Bob
Subject: Boeing Marks Construction Milestone on South Carolina 787 Final Assembly Building - Sep 24, 2010

<http://boeing.mediaroom.com/index.php?s=43&item=1434>

Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, October 21, 2010 4:09 PM
To: Omberg, Bob
Subject: Boeing Dreamliner 'coming to life'

http://www.seattlepi.com/business/275465_japan27.html

Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, October 21, 2010 4:10 PM
To: Omberg, Bob
Subject: Boeing: Commercial Airplanes - 787 Dreamliner - International Team Facts

http://www.boeing.com/commercial/787family/dev_team.html

Microsoft Outlook

From: Omberg, Bob
Sent: Tuesday, November 09, 2010 8:16 PM
To: Willen, Debra L
Subject: latest news re Boeing 787

http://seattletimes.nwsources.com/html/business/technology/2013387936_787emergency10.html?pmid=related_stories_section

Microsoft Outlook

From: Willen, Debra L
Sent: Wednesday, November 10, 2010 12:25 PM
To: Omberg, Bob
Subject: Boeing 787 Makes Emergency Landing - WSJ.com

<http://online.wsj.com/article/SB10001424052748703523604575605100601208676.html?mod=djemalertNEWS>

Microsoft Outlook

Start: Thu 9/29/2011 3:00 PM
End: Thu 9/29/2011 3:30 PM

Recurrence: (none)

Microsoft Outlook

From: Omberg, Bob
Sent: Friday, January 21, 2011 9:38 AM
To: Kearney, Barry J.; Farrell, Ellen; Katz, Judy; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Cc: Ahearn, Richard L.
Subject: Boeing Dreamliner Delays

http://www.dailyfinance.com/story/investing/boeings-dreamliner-delays-outsourcing-goes-too-far/19808894/?icid=maing%7Cmain5%7Cd14%7Csec1_Ink1%7C37972

Tracking:

Recipient

Kearney, Barry J.

Farrell, Ellen

Katz, Judy

Sophir, Jayme

Szapiro, Miriam

Willen, Debra L.

Ahearn, Richard L.

Read

Read: 1/21/2011 10:18 AM

Read: 1/21/2011 11:54 AM

Read: 1/21/2011 9:56 AM

Read: 1/21/2011 11:21 AM

Read: 1/21/2011 10:42 AM

Read: 1/21/2011 10:25 AM

Read: 1/21/2011 10:22 AM

Microsoft Outlook

From: Omberg, Bob
Sent: Friday, February 25, 2011 9:58 AM
To: Willen, Debra L
Subject: Boeing gets tanker contract

'Victory Rally' to celebrate Boeing tanker win

THE ASSOCIATED PRESS

EVERETT, Wash. -- Boeing employees and Washington state officials plan to gather Friday at the company's Everett factory for a "victory rally" to celebrate winning the \$35 billion Air Force contract for a new aerial tanker fleet.

The Pentagon chose Boeing on Thursday for the contract, one of the biggest ever awarded by the military. Boeing's offer to build nearly 200 airborne refueling tankers based on its 767 jetliner won out over a bid by European Aeronautic Defence and Space Co.

Boeing builds the 767 at the Everett plant. Among those planning to speak at the rally are Senators Patty Murray and Maria Cantwell, Representatives Jay Inslee and Dave Reichert, labor leaders, Boeing employees and company officials.

And her-

<http://www.dailyfinance.com/story/boeing-lands-35-billion-tanker-contract-and-a-new-lease-on-l/19858713/>

Microsoft Outlook

From: Willen, Debra L
Sent: Monday, May 02, 2011 1:40 PM
To: Omberg, Bob
Subject: FW: Lussier's e-mail

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

From: Mantz, John
Sent: Monday, May 02, 2011 8:16 AM
To: Willen, Debra L
Subject: FW: Lussier's e-mail

Deb,
Have you seen this?

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

From: Lussier, Richard
Sent: Sunday, May 01, 2011 6:36 PM
To: Belin, Jeremy S.; Compton, Kayce R.; Frisch, Jacob; Mantz, John; Marx, Eric C.; Oddis, Robert N.; Pho, Laura D; Vazquez, Laura T.
Subject:

http://online.wsj.com/article/SB10001424052748703778104576287290266016016.html?mod=WSJ_Opinion_LEADTop

Microsoft Outlook

From: Willen, Debra L
Sent: Monday, May 02, 2011 1:40 PM
To: Omberg, Bob
Subject: FW: Legal News FYI

From: Willen, Debra L
Sent: Thursday, April 28, 2011 10:25 AM
To: Psotka, Jonathan
Subject: FW: Legal News FYI

From: Baniszewski, Joseph
Sent: Wednesday, April 27, 2011 2:00 PM
To: Willen, Debra L
Subject: FW: Legal News FYI

[It's the link below, Answer to Boeing's Labor Dispute,](#)

[Regards,](#)

[Joe](#)

From: Martin, Andrew
Sent: Wednesday, April 27, 2011 8:35 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

Raynor Resigns From Positions of President Of Workers United, SEIU International VP

Amid internal charges of allegedly misappropriating union funds through misleading expense reports, Bruce Raynor, president of the Workers United affiliate of the Service Employees International Union and international executive vice...

AFA, IAM Compete to Represent Flight Attendants at United Continental

CHICAGO—Flight attendants at United Continental Holdings Inc. will choose a single union to represent them in collective bargaining under voting procedures authorized by the National Mediation Board April 26....

RNs Threaten Short Strikes Next Week At Five Hospitals, Primarily Over Staffing

Affiliates of National Nurses United in the last few days have notified five hospitals in four states that their members plan to engage in strikes ranging from one day to five days, during the week beginning May 1....

NLRB's Weekly Summary of Cases, Dated April 18-22, 2011

The answer to Boeing's labor dispute

Washington Post – 04/26/11 00:23 –

Words matched: Lafe Solomon

For high-stakes legal drama, it doesn't get much bigger than last week's filing by the National Labor Relations Board charging that Boeing's decision to open a big new production facility in union-phobic South Carolina was motivated by a desire to punish and intimidate the strike-prone union at its

*...based on the complaint filed by the International Association of Machinists . **Lafe Solomon**, the acting general counsel who made the decision, is...*

Lawmakers support Backus nurses' union right

Norwich Bulletin (AP) – 04/26/11 23:17 –

Words matched: National Labor Relations Act

Ten state legislators recently signed a letter calling for The William W. Backus Hospital's management to remain neutral as nurses decide on joining a union.

*...open letter on the importance of neutrality, begins by quoting the **National Labor Relations Act** regarding the right to self-organize and bargain...*

Ex-Labor Board Chairman: Union-Backed Case Against Boeing 'Unprecedented'

FoxNews.com – 04/26/11 00:09 –

Words matched: National Labor Relations Act

The former chairman of the National Labor Relations Board told FoxNews.com that a board attorney's bid to stop Boeing from opening a production line at a non-union site in South Carolina is "unprecedented" and could have serious implications for companies looking to expand.

*"A worker's right to strike is a fundamental right guaranteed by the **National Labor Relations Act**," Solomon said in a statement. "We also recognize..."*

Unionized BCBS Employees Locked Out

WNED NewsRoom – 04/26/11 17:10 –

Words matched: NLRB

BUFFALO (wned) - Unionized employees at Blue Cross/Blue Shield of WNY are on the outside looking in today. Nearly 400 members of Local 212 of the Office and Professional Employees International Union have been "locked out" of corporate offices on West Genesee St.

*...Cross/Blue Shield has filed two unfair labor practice charges with the **NLRB**. The union said it has numerous concerns including pay, job security ,*

Bremerton Ambulance workers turn down union

Kitsap Sun (AP) – 04/26/11 15:13 –

Words matched: National Labor Relations Board

BREMERTON — Bremerton Ambulance workers, voting for a second time, have turned down the prospect of union representation. The vote was 23 to 15, according to Kim Doyle, Bremerton Ambulance executive director.

*...International Association of EMTs and Paramedics filed an objection with the **National Labor Relations Board**, and a second vote was held. Bremerton...*

Andrew Martin
Librarian (Law)
National Labor Relations Board
1099 14th Street NW
Suite 800
Washington, DC 20570

(202) 273-3724
(202) 273-2906 fax
andrew.martin@nlrb.gov

Microsoft Outlook

From: Platt, Nancy
Sent: Wednesday, July 13, 2011 3:27 PM
To: Ahearn, Richard L.
Subject: RE: Boeing Team

Thanks, Rich.

Non-Responsive

Nancy

From: Ahearn, Richard L.
Sent: Wednesday, July 13, 2011 3:22 PM
To: Platt, Nancy; Flanagan, Kevin P.
Cc: Pomerantz, Anne
Subject: Boeing Team

Nancy and Kevin, Greetings and welcome!! We'll be in touch soon.
Rich

Richard L Ahearn
Regional Director, Region 19, Seattle
206 220 6310

Microsoft Outlook

From: Willen, Debra L
Sent: Friday, September 03, 2010 8:37 AM
To: Ahearn, Richard L.
Cc: Pomerantz, Anne; Baniszewski, Joseph; Karsh, Aaron; Szapiro, Miriam
Subject: Boeing Company, Case 19-CA-32431

I have been assigned your request for advice in this case. Please feel free to contact me or my supervisor, Miriam Szapiro (202-273-0998), if you have any questions or if there are any further developments.

Thank you,

Debra Willen
Division of Advice
(202) 273-3714

Microsoft Outlook

From: Jablonski, Colleen G.
Sent: Wednesday, October 27, 2010 12:51 PM
To: Pomerantz, Anne
Cc: Todd, Dianne
Subject: boeing

Anne, If we are going to speak with Rich re Boeing, do you have a time in mind? Th, C

Microsoft Outlook

From: Pomerantz, Anne
Sent: Wednesday, October 27, 2010 12:55 PM
To: Jablonski, Colleen G.
Cc: Todd, Dianne
Subject: RE: boeing

Whatever works for both of you, I'll make work for me. Let me know.

From: Jablonski, Colleen G.
Sent: Wednesday, October 27, 2010 9:51 AM
To: Pomerantz, Anne
Cc: Todd, Dianne
Subject: boeing

Anne, If we are going to speak with Rich re Boeing, do you have a time in mind? Th, C

Tracking:

Recipient

Jablonski, Colleen G.

Todd, Dianne

Read

Read: 10/27/2010 1:01 PM

Read: 10/27/2010 12:56 PM

Microsoft Outlook

From: Jablonski, Colleen G.
Sent: Wednesday, October 27, 2010 1:02 PM
To: Pomerantz, Anne
Subject: RE: boeing

If Rich is available, any time this afternoon works for me. I think Dianne can make that work as well.

From: Pomerantz, Anne
Sent: Wednesday, October 27, 2010 9:55 AM
To: Jablonski, Colleen G.
Cc: Todd, Dianne
Subject: RE: boeing

Whatever works for both of you, I'll make work for me. Let me know.

From: Jablonski, Colleen G.
Sent: Wednesday, October 27, 2010 9:51 AM
To: Pomerantz, Anne
Cc: Todd, Dianne
Subject: boeing

Anne, If we are going to speak with Rich re Boeing, do you have a time in mind? Th, C

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Wednesday, October 27, 2010 1:19 PM
To: Pomerantz, Anne
Subject: Re: boeing

2 pm or so?

Sent from my BlackBerry Wireless Handheld

From: Pomerantz, Anne
To: Ahearn, Richard L.
Sent: Wed Oct 27 13:17:26 2010
Subject: FW: boeing

When are you available this afternoon to talk Boeing with Colleen, Diane, and me?

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Wednesday, April 20, 2011 2:13 PM
To: Pomerantz, Anne; Anzalone, Mara-Louise
Subject: FW: Machinist news release is out

From: Cleeland, Nancy
Sent: Wednesday, April 20, 2011 10:44 AM
To: Ahearn, Richard L.
Subject: FW: Machinist news release is out

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nrlb.gov

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nrlb-complaint-over-boeing-south-carolina-move>

Tony Wagner
New Media Specialist | Office of Public Affairs
National Labor Relations Board (NLRB)
1099 14th Street NW, Suite 11550 | Washington, DC 20570
anthony.wagner@nrlb.gov | 202-273-0187 | cell: 202-375-9791
nrlb.gov | m.nrlb.gov | facebook.com/NLRBpage | [@nrlb](https://twitter.com/nrlb)

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, April 26, 2011 10:50 AM
To: ML-R19-Everyone (R); ML-RES-POR-Everyone (R); ML-RES-ANC-Everyone (R)
Subject: NYTimes.com: Boeing and the N.L.R.B.

The New York Times



E-Mail This

This page was sent to you by: **OPINION** | April 26, 2011

Editorial: Boeing and the N.L.R.B.

Is a move to South Carolina a way to avoid unions or retaliation against them?

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From: Ahearn, Richard L.
Sent: Thursday, April 28, 2011 3:36 PM
To: Pomerantz, Anne; Anzalone, Mara-Louise; Finch, Peter G.; Jablonski, Colleen G.; Todd, Dianne
Subject: FW: letter from 9 states demanding we drop the complaint

From: Cleeland, Nancy
Sent: Thursday, April 28, 2011 12:31 PM
To: Ahearn, Richard L.
Subject: letter from 9 states demanding we drop the complaint

We just got a letter from 9 states demanding that we withdraw the Boeing complaint. Thought you'd find it interesting.

Their letter to congress http://www.scattorneygeneral.org/newsroom/pdf/2011/4.28.11_Letter_to_Congress_2.pdf

Their letter to us
http://www.scattorneygeneral.org/newsroom/pdf/2011/4.28.11_NLRB_Letter_Formatted_with_Signatures.pdf

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nrlrb.gov

Microsoft Outlook

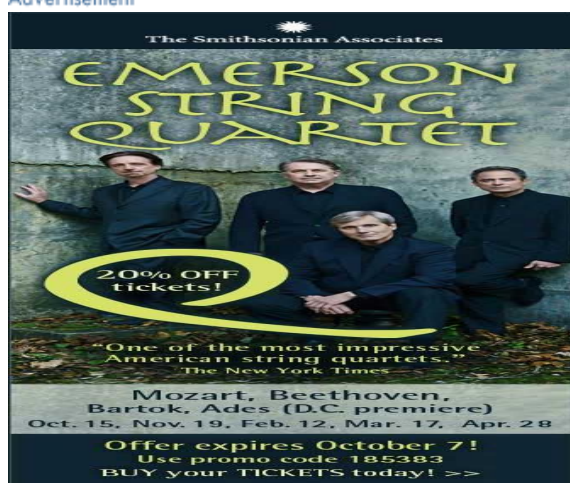
From: Ahearn, Richard L.
Sent: Monday, May 02, 2011 11:09 AM
To: Pomerantz, Anne; Anzalone, Mara-Louise; Finch, Peter G.; Jablonski, Colleen G.; Todd, Dianne
Subject: FW: WashPost: When the NLRB issues a complaint, it is initially only an allegation

When the NLRB issues a complaint, it is initially only an allegation

By

It was good to see Steven Pearlstein's balanced description of the Boeing labor dispute before the National Labor Relations Board ["To solve Boeing labor dispute, look to the law of the land," Economy & Business, April 28]. What is still missing, however, is an accurate account of what was involved in NLRB Acting General Counsel Lafe Solomon's issuance of an unfair-labor-practice complaint against Boeing.

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Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, May 03, 2011 12:08 PM
To: Pomerantz, Anne; Anzalone, Mara-Louise; Finch, Peter G.; Todd, Dianne; Jablonski, Colleen G.
Subject: FW:
Attachments: Solomon letter with attachment - May 3, 2011.pdf; ATT00001..htm

From: Solomon, Lafe E.
Sent: Tuesday, May 03, 2011 8:59 AM
To: Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Mattina, Celeste J.; Abruzzo, Jennifer; Ahearn, Richard L.; Garza, Jose
Subject: Fwd:

Sent from my mobile

Begin forwarded message:

From: "Luttig, Michael" <michael.luttig@boeing.com>
To: "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>

May 3, 2011



Lafe E. Solomon, Esquire
Acting General Counsel
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Dear Mr. Solomon:

I write regarding statements in your complaint and elsewhere—including statements attributed to you in the *New York Times* on April 23—about Boeing's decision to place its new 787 final assembly line in South Carolina. A number of these statements, which are critical to your case against Boeing, fundamentally misquote or mischaracterize statements by Boeing executives and actions taken by the Company. You have a responsibility to correct these misquotations and mischaracterizations, for the public record and also for purposes of the complaint you have filed. Through these misquotations and mischaracterizations, you have done a grave disservice to The Boeing Company, its executives and shareholders, and to the 160,000 Boeing employees worldwide. And, of course, you have filed a complaint based upon these misstatements that cannot be credibly maintained under law.

Your Statement That Boeing "Transferred" Union Work

As an initial matter, repeated statements in the complaint allege that Boeing "removed work" from Puget Sound (§6), "decided to *transfer* its second 787 Dreamliner production line" to South Carolina (§7(a)), and "decided to *transfer* a sourcing supply program" to South Carolina (§8(a)). Your April 20 press release makes the same assertion: "The NLRB launched an investigation of the *transfer* of second line work in response to charges filed by the Machinists union and found reasonable cause to believe that Boeing had violated two sections of the National Labor Relations Act."

As you well know, no work—none at all—was "removed" or "transferred" from Puget Sound. The second line for the 787 is a new final assembly line. As it did not previously exist in Puget Sound or elsewhere, the second assembly line could not have been "removed" from, "transferred" or otherwise "moved" to South Carolina. Simply put, the work that is and will be done at our Charleston, South Carolina final assembly facility is new work, required and added in response to the historic customer demand for the 787. No member of the International Association of Machinists' union (IAM) in Puget Sound has lost his or her job, or otherwise suffered

any adverse employment action, as a result of the placement of this new work in the State of South Carolina.

Your own Regional Director, whose office you have tasked with prosecuting this case, understands that, and has accurately and publicly described the matter differently than you. As the Seattle Times reported last year, “Richard Ahearn, the NLRB regional director investigating the complaint, said it would have been an easier case for the union to argue if Boeing had moved existing work from Everett, rather than placing new work in Charleston.” Dominic Gates, *Machinists File Unfair Labor Charge Against Boeing over Charleston*, Seattle Times, June 4, 2010.



Since no actual work was “transferred,” it now appears that NLRB officials are already, via public statements, transforming the theory of the complaint to say that, because Boeing committed to the State of Washington that it would build all of the Company’s 787s in that state, the building of airplanes in South Carolina constitutes “transferred” work or work “removed.” Thus, on April 26, an NLRB spokeswoman, Nancy Cleeland, apparently told a news organization that “the charge that Boeing is transferring work away from union employees stems from the company’s original commitment ‘to the State of Washington that it would build the Dreamliner airplanes in this state.’”

The premise underlying that assertion—that Boeing committed to the State of Washington to build all of the Company’s 787s in Washington—is false. Boeing did not commit to the State of Washington that it would build all of its 787s in that state. Boeing honored—and fully—all of its contractual commitments to the State of Washington long before the decision to locate the Company’s new production facility in South Carolina. The notion that Boeing had somehow committed to Washington State to build all 787s in that state is neither mentioned nor even suggested either in the IAM’s charge or in your recently filed complaint, and you never asserted that Boeing had made such contractual commitments to the State of Washington in the several discussions we have had with you in the months preceding your filing of the complaint. Had you done so, we would have explained to you why such an understanding was plainly incorrect. I call upon you to quickly and fully correct the record on this point. In addition to being wholly uninformed, it creates the impression that you and your office are now in search of a theory that will support a predetermined outcome, even a theory that has nothing to do with the National Labor Relations Act.

Your Statement That Boeing Sought To “Punish” Union Employees

Mischaracterizing what Boeing did by calling it a “transfer” of work, or suggesting that Boeing broke commitments to the State of Washington, is bad enough. Far more egregious, however, are the statements that have been made concerning the motives and intent of Boeing’s leaders—specifically, that senior Boeing executives sought to “punish” union employees and to “threaten” them for

their past and possible future strikes, through the Company's statements and its location of the second final assembly line in South Carolina.

The *New York Times* quotes you as saying that Boeing "had a *consistent message* that [the Company and its Executives] were doing this to *punish* their employees for having struck and having the power to strike in the future." (Steven Greenhouse, *Labor Board Case Against Boeing Points to Fights to Come*, New York Times, April 23, 2010, emphasis added.) Neither your complaint nor the post-hoc statements you and other officials of the NLRB have made since the filing of the complaint offers a single Boeing statement—let alone a "consistent message"—that Boeing acted to "punish" its employees, and, needless to say, you offer no evidence of this in your national media interview either.



The complaint alleges that Boeing Commercial Airplanes CEO Jim Albaugh stated that Boeing "decided to locate its 787 Dreamliner second line in South Carolina because of past Unit strikes, and threatened the loss of future Unit work opportunities because of such strikes." (Complaint ¶6(e).) The complaint cites a March 2, 2010 interview of Mr. Albaugh by the Seattle Times, but does not purport to be quoting any particular statement. The NLRB's website, however, offers a "fact sheet" that quotes Mr. Albaugh as saying: "The overriding factor [in transferring the line] was not the business climate. And it was not the wages we're paying today. It was that we cannot afford to have a work stoppage, you know, every three years." <http://nlrb.gov/node/443>

It would, of course, have been entirely permissible under existing law for Mr. Albaugh to have made a statement that the Company considered the economic costs of future strikes in its business decision to locate work in South Carolina—or even that it was the sole reason for such decision. But Mr. Albaugh did not even say either of these things. Mr. Albaugh's full statement was as follows:

Well I think you can probably say that about all the states in the country right now with the economy being what it is. But again, the overriding factor was not the business climate and it was not the wages we're paying people today. It was that we can't afford to have a work stoppage every three years. *We can't afford to continue the rate of escalation of wages as we have in the past. You know, those are the overriding factors. And my bias was to stay here but we could not get those two issues done despite the best efforts of the Union and the best efforts of the company.*

The italicized sentences—which were deliberately omitted from your office's presentation of this quotation on its website—make clear that Mr. Albaugh was referencing two, rather than one, "overriding factors," only one of which is the risk of a future strike. These are critical omissions that directly contradict your apparent theory of this case.



Moreover, no reasonable reader of Mr. Albaugh's interview would depict it as part of a "consistent message" that Boeing sought to "punish" its union employees. Mr. Albaugh expresses his "bias" in favor of Puget Sound and lauds the good-faith efforts of both sides. He explains that the company's preference was to locate the new production line in Puget Sound and that both the company and the union made good-faith efforts to accomplish that shared objective. Thus, when not misquoted, it is not even arguable that Mr. Albaugh's statement constitutes a "message" of "punishment" to the union for its past or future strike capability.

The complaint's attempt to depict a statement by Jim McNerney, Boeing's Chairman and Chief Executive Officer, as a threat to punish union employees is but another example of mischaracterization. The complaint alleges that Mr. McNerney "made an extended statement regarding 'diversifying [Boeing's] labor pool and labor relationship,' and moving the 787 Dreamliner work to South Carolina *due to* 'strikes happening every three to four years in Puget Sound.'" (Complaint ¶6(a) (emphasis added).)

He did not say that at all. The allegation is a sleight-of-hand in two obvious respects, accomplished by the selective misquotation of Mr. McNerney's actual statements. First, Mr. McNerney was *not* making an "extended statement" about *why* Boeing selected Charleston. He was responding to a reporter's question about the cost of potentially locating a new assembly line in Charleston. And in fact, the decision to locate the new final assembly line in South Carolina had not even been made at the time Mr. McNerney's statements were made. Second, Mr. McNerney answered only the question as to comparative costs that was asked. Thus, in the passages you misquote and mischaracterize, he discussed the relative costs of a new facility in a location other than Puget Sound, versus the potential costs associated with "strikes happening every three to four years in Puget Sound." He did not say, as you allege through the complaint's misquotation, that Boeing selected Charleston "due to" strikes.

And Mr. McNerney did not even remotely suggest that what would later turn out to be the decision to open a new line in Charleston was *in retaliation* for such strikes, as you would have to establish to obtain the remedies you seek in your complaint. He did not say, he did not suggest, and he did not imply in any respect that Boeing intended to punish union employees or that a decision to locate a new facility other than in Puget Sound would or might be made to punish the union for past strikes or because of their power to strike in the future. Neither did he say, suggest, or imply that any existing union work was being transferred to Charleston. His answer cannot be cited in support of the legal theories in the complaint, much less the sweeping statement you made to the *New York Times* about Boeing's "consistent message" that Boeing and its executives sought to "punish" the Company's union employees.

Finally, Mr. McNerney's answer to a reporter's question *was not* "posted on Boeing's intranet website for all employees," much less posted for the purpose of

sending an illegal message under the NLRA, as the complaint incorrectly and misleadingly suggests.



Nor do any of the other few statements you reference in your complaint—which I attach to this letter—remotely suggest an intent to “punish” the Company’s unionized employees. Quite the contrary: these statements show, at most, that the Company considered (among multiple other factors) the risk and potential costs of future strikes in deciding where to locate its new final assembly facility. Those have been deemed permissible considerations by an unbroken line of Supreme Court and NLRB precedent for 45 years. Not only that, but, as you know, Boeing reached out to the IAM in an effort to secure a long-term agreement that would have resulted in placing the second line in Puget Sound. Although those negotiations were not successful, that effort alone defeats your wholly unsupported claim that Boeing executives sent a “consistent message” that Boeing’s decision was intended to “punish” the union for past strikes.

What you said to a national newspaper, that Boeing made a billion-dollar decision to “punish” its employees, is a very serious—indeed, intentionally provocative—allegation against Boeing’s leaders. Those leaders are deeply committed to all of the men and women who work for the Company, those represented by unions and those who are not. Your statement implies that Boeing’s most senior executives acted out of personal spite and retribution toward its labor union, as opposed to acting in the interests of the Company, the Company’s employees, and the Company’s shareholders. You have no support for that statement whatsoever.

Your Statement That Boeing’s Statements And Actions Were So Demonstrably Unlawful That You Were Compelled To File The Complaint

You also told the *New York Times* that, given the Company’s so-called “consistent message” that the Company intended to “punish” the union for its prior strikes and its power to strike in the future, you had no choice but to issue a complaint. (Specifically, you said: “I can’t not issue a complaint in the face of such evidence.”) Among other reasons, that statement is puzzling, to say the least, in light of the course of Boeing’s discussions with you and your office concerning this matter over the past six months. In particular, it is hard to reconcile with what has been your repeated statement that you did not believe this was a matter in which the NLRB should be involved and that you would take no action on the matter if Boeing agreed that it would not lay off any 787 employees in Puget Sound during the duration of its collective bargaining agreement with the IAM.

We of course understand that you reversed your position and abandoned the agreement that you yourself sought from Boeing after your further discussions with the complainant. But the point is this: It is exceedingly difficult to understand how you could have proposed and then agreed to such a resolution if, as you now say, you believed that the statements and actions by Boeing and its executives were so

egregious that the law literally compelled a complaint by the NLRB. Of course, the law compelled no such thing.

Your Statement That The Complaint Does Not Seek To Close Charleston



Finally, there is the issue of your articulation of the remedy sought in this complaint. The complaint seeks an order directing Boeing to "have the [IAM] operate [Boeing's] second line of 787 Dreamliner aircraft assembly production in the State of Washington." Notwithstanding that you are seeking this remedy, your office has been at pains since filing the complaint to state publicly that this is not equivalent to an order that Boeing "close its operations in South Carolina." *Fact Check*, available at www.nlr.gov (post of April 26, 2011). We and the public would be interested to hear your explanation as to why you believe that to be the case. Boeing's current plan is to produce a maximum of ten 787s per month: seven in Puget Sound, and three on the second line in Charleston. If the NLRB were to order Boeing to produce out of Puget Sound the three 787s per month that are planned to be assembled in Charleston, that would of course require the production of all of the Company's planned 787 production capacity in Puget Sound. That fact was explained repeatedly to you and your staff in our extended discussions before you filed the complaint.

* * * * *

Boeing intends to put this pattern of misquotations and mischaracterizations before the Administrative Law Judge, and ultimately, before the National Labor Relations Board itself in upcoming proceedings, Mr. Solomon. To the extent they reflect misunderstandings of the facts on your part, we would expect your prompt withdrawal of this complaint.

Sincerely yours,

A handwritten signature in black ink that reads "J. Michael Luttig".

J. Michael Luttig
Executive Vice President
& General Counsel
The Boeing Company

Attachment

Statements Referenced in the NLRB Complaint

6(a) - James McNerney, 2009 3rd Quarter Earnings Call, October 28, 2009

. . . . There would be execution challenges associated with that choice [of Charleston]. But keep in mind that we've got a pretty good-sized operation down in Charleston today. The -- there would be some duplication. We would obviously work to minimize that. But I think having said all of that, diversifying our labor pool and labor relationship, has some benefits. I think the union IAM and the Company have had trouble figuring it out between themselves over the last few contract discussions.

And I've got to figure out a way to reduce that risk to the Company. And so some of the modest inefficiencies, for example, associated with a move to Charleston, are certainly more than overcome by strikes happening every -- every three or four years in Puget Sound and the very negative financial impact of the Company, our balance sheet would be a lot stronger today had we not had a strike last year. Our customers would be a lot happier today, had we not had a strike last year. And the 787 program would be in better shape had we not. And so I don't blame -- I don't blame this totally on the union. We just haven't figured out a way, the mix doesn't -- isn't working well, yet. So we've either got to satisfactory satisfy ourselves the mix isn't different or we have to diversify our labor base.

6(b) - "787 Second Line Questions and Answers," 10/28/09

Q3: Was one site a higher cost than the other?

A: All things taken into account, this decision will provide economic advantages by improving our competitiveness and reducing vulnerability to delivery disruptions due to a host of factors, from natural disasters to homeland security issues and work stoppages. We're electing not to get into how individual sites fared in specific areas of the evaluation.

* * * * *

Q8: We understand you were pushing the union for a no-strike agreement and came close to getting a 10-year deal. Obviously you didn't reach an agreement. Was that the factor that tipped the decision?

A: It was an important part of our discussion with the union, but it wasn't the only factor in our decision. In the final analysis, this came down to ensuring our long-term global competitiveness and diversifying the company to protect against the risk of production disruptions that can occur for a variety of reasons, from natural disasters, to homeland security threats, to work stoppages. While we didn't reach a long-term agreement, we felt our discussions with the IAM were productive and focused on the

right things -- global competitiveness (including emerging competitors), and ways to sustain a reliable, on-time flow of deliveries to our customers. We look forward to moving forward with the IAM in a positive way to grow our business in an increasingly competitive market.

* * * * *

Q26: You say that having a second line in Charleston reduces risk, but if the IAM goes on strike in the Puget Sound again they will halt your production lines. What does a second line in another state really do for you then?

A: Geographically diversifying final assembly on the 787 will protect a portion of deliveries against disruption from both natural and man-made events, including work stoppages due to labor disputes. Having the second line will also give us assurance and flexibility in how we introduce derivatives such as the 787-9.

6(c) - *Seattle Times* article, December 7, 2009

Boeing spokesman Jim Proulx cited strikes in the Puget Sound region as a major factor in the decision. With a second supplier for every part, Boeing potentially could continue producing Dreamliners in South Carolina even if the Machinists went on strike here.

"Repeated labor disruptions have affected our performance in our customers' eyes," Proulx said. "We have to show our customers we can be a reliable supplier to them." The second production line "has to be able to go on regardless of what's happening over here," he added.

* * * * *

Ray Conner, vice president and general manager of supply-chain management and operations, sent a message Monday informing all Boeing Commercial Airplanes managers of the dual-sourcing decision.

"We will immediately begin identifying, selecting and contracting with suppliers to stand up fully operational coproduction by 2012," Conner's message said.

Proulx said Boeing has not determined how much work will be replicated within the company in the new Charleston facility and how much may go to outside suppliers.

When Boeing broke ground on its Charleston assembly line in November, the company disclosed extensive plans for other buildings at the facility. Among these is a "fin and rudder shop," which suggests the tail fin may be built at Boeing Charleston.

But Proulx said, "It's too soon to say what will go where."

He said the replication of parts sourcing also would “accommodate the ramp-up” required to shift to a planned rollout of 10 planes a month by the end of 2013.

* * * * *

Conner’s message said the union knew this was coming.

“We informed the (IAM) of our plans to begin dual sourcing during the company/union discussions preceding our decision to place the second 787 line in South Carolina,” Conner’s message to managers stated. “We remain committed to strengthening our working relationship with the union.”

* * * * *

Boeing’s Proulx said potential external suppliers are being assessed “based on capabilities, based on their ability to produce high-quality components and at the best value.”

“We’ll review supplier expertise, and we’ll ensure that the right level of training and oversight is in place to make sure the performance standards are met,” he said.

Conner’s message to managers emphasized the decision means duplication, not replacement, of work done in this region.

“We are not moving any work that Boeing employees are currently performing — we are just adding additional sources,” Conner said.

6(d) – *Puget Sound Business Journal* Article, December 8, 2009

“Dual-sourcing and co-production will allow us to maintain production stability and be a reliable supplier to our customers,” he said in the memo.

* * * * *

Boeing spokesman Jim Proulx said it was “too early” to tell if the new production will be contracted out or done by Boeing itself at the new South Carolina site, or elsewhere in the country.

He said this is not indicative of a wholesale movement of existing production away from this region.

“There will be no jobs lost as part of this move. There are no plans to take this work away,” he said.

6(e) -- Jim Albaugh Interview with the *Seattle Times*, March 2, 2010

Well I think you can probably say that about all the states in the country right now with the economy being what it is. But again, the overriding factor was not the business climate and it was not the wages we're paying people today. It was that we can't afford to have a work stoppage every three years. We can't afford to continue the rate of escalation of wages as we have in the past. You know, those are the overriding factors. And my bias was to stay here but we could not get those two issues done despite the best efforts of the Union and the best efforts of the company.

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Tuesday, July 12, 2011 4:23 PM
To: Pomerantz, Anne
Subject: Fw: Google Alert - National labor relations board

Sent from my BlackBerry Wireless Handheld

From: Google Alerts <googlealerts-noreply@google.com>
To: Ahearn, Richard L.
Sent: Tue Jul 12 16:02:37 2011
Subject: Google Alert - National labor relations board

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1 new result for **National labor relations board**

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Microsoft Outlook

From: Little, Janet C.
Sent: Tuesday, July 12, 2011 7:19 PM
To: Ahearn, Richard L.; Pomerantz, Anne
Subject: Boeing news - Seattle Times

http://seattletimes.nwsources.com/html/business/technology/2015588119_boeingnrlrb13.html

Janet Little
National Labor Relations Board
2948 Jackson Federal Building
915 Second Avenue
Seattle, WA 98174
(206)220-6340
Fax (206)220-6305

Microsoft Outlook

From: Anzalone, Mara-Louise
Sent: Tuesday, July 12, 2011 8:59 PM
To: Pomerantz, Anne
Subject: Congressional Inquiry/Subpoena

This sounds like it is going a lot faster than Jose projected, no? Have we sent them anything yet?

<http://www.bloomberg.com/news/2011-07-12/house-oversight-panel-may-subpoena-nlrb-for-boeing-documents.html>

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Wednesday, July 13, 2011 3:22 PM
To: Platt, Nancy; Flanagan, Kevin P.
Cc: Pomerantz, Anne
Subject: Boeing Team

Nancy and Kevin, Greetings and welcome!! We'll be in touch soon.
Rich

Richard L Ahearn
Regional Director, Region 19, Seattle
206 220 6310

Microsoft Outlook

From: BNA Highlights [bhighlig@bna.com]
Sent: Wednesday, July 13, 2011 9:57 PM
To: Pomerantz, Anne
Subject: Jul. 13 -- BNA, Inc. Daily Labor Report

E-mail not displaying correctly? View publication in your browser: <http://news.bna.com/dlIn>

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**Report Says Market, Policy Challenges Hinder
'Clean' Sector From Achieving Potential**

The U.S. private sector "clean" economy employs millions of people in "green" jobs across some of the largest metropolitan areas, but market challenges and policy uncertainty have hindered the sector's ability to...

Federal Employees

**Congressional Committee Approves Update
To Federal Employees' Compensation Act**

Legislation (H.R. 2465) that would update the Federal Employees' Compensation Act by allowing treatment and certification by physicians' assistants and nurse practitioners, clarifying that injuries caused by terrorist attacks...

Health Care

**Factors Other Than PPACA, Recession
To Affect Health Costs in 2012, Speakers Say**

Two factors that many people fear will have a major impact on health care costs in 2012—the federal health care law and the recent economic recession—actually will not play a big part in cost trends next year, speakers said during...

Labor Law

**Eighth Circuit Revives ABF Freight Lawsuit
Against YRC, Teamsters Over Concessions**

The U.S. Court of Appeals for the Eighth Circuit July 6 revived a previously dismissed lawsuit filed by ABF Freight System against the International Brotherhood of Teamsters and competing trucking company YRC Worldwide over allegations...

Minimum Wage

**Employment Fell Sharply in U.S. Territories
After Minimum Wage Hike, GAO Report Says**

Employment fell drastically in American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) during the period when minimum wages were increased, according to a recent Government Accountability Office report....

NLRB

**House Panel Presses NLRB for Documents,
Calling Boeing Case Disclosures Incomplete**

National Labor Relations Board Acting General Counsel Lafe E. Solomon has not satisfied lawmakers' requests for documents concerning an unfair labor practice complaint against Boeing Co., Rep. Darrell Issa (R-Calif.), chairman...

Organizing

**Global Unions File Complaint With OECD
Against Deutsche Telekom for 'Union Busting'**

The Communications Workers of America, the UNI Global Union federation, and the German-based ver.di union July 12 alleged that Deutsche Telekom AG, the parent company of T-Mobile USA, has violated the guidelines of the Organization for Economic...

Pensions

**DOL Extends Applicability Deadlines
For Service Provider Fee Disclosure Rules**

The Labor Department's Employee Benefits Security Administration issued a final rule July 13 that extends by three months the applicability date of the department's interim final rule on fee disclosures by plan service providers...

Pensions

**Employers Say Funding, Accounting Rules
Caused Exodus From Defined Benefit Plans**

Defined benefit pensions are engines of economic growth and middle-class retirement security, but employers will not offer them in the future unless they see significant changes in defined benefit funding and accounting rules that are damaging...

Race Discrimination

**Black Bank Manager Raises Bias Claim
On Termination, but Lacks Harassment Claim**

A black assistant bank manager fired for an alleged violation of ethical rules raised a triable issue of race discrimination under Title VII of the 1964 Civil Rights Act when he produced direct evidence that his supervisor twice made racial...

Race Discrimination

**Fifth Circuit Splits on Grant of JAML
In Reverse Race Discrimination Case**

Judgment as a matter of law was proper in an employment discrimination case by a white attorney who was fired by a hospital board and replaced by a black attorney, a divided U.S. Court of Appeals for the Fifth Circuit ruled July 8 (*Dulin v. Board...*

Safety & Health

Contractor Faces \$354,000 Trenching Fine

BOSTON—A Massachusetts contractor with what federal officials called "a long history of violating workplace standards" faces \$354,000 in new proposed fines related primarily to alleged trenching hazards, the Labor Department's...

Safety & Health

**Illinois Metal Fabricator Fined \$214,830
By OSHA Following Two Amputation Incidents**

CHICAGO—The Labor Department's Occupational Safety and Health Administration has proposed penalties of \$214,830 against an Illinois metal fabrication company, alleging that a series of safety failures led to two separate...

Safety & Health

**Indiana Safety Agency, Notre Dame Reach
Settlement Over Death of Student Employee**

The Indiana Department of Labor and the University of Notre Dame agreed on a settlement related to the death of a student employee whereby the school will launch a nationwide safety education program, the agency announced July 1....

Safety & Health

**Prerule for Steel Reinforced Concrete,
Construction Delivered to OMB for Review**

An early version of a proposed worker safety standard for steel reinforced concrete and post-tensioned steel construction now is with the White House Office of Management and Budget for review. The Labor Department's Occupational...

Safety & Health

**Regulatory Agenda Sends Mixed Signals
On OSHA's Path Forward, Safety Reps Say**

The Labor Department's latest semiannual regulatory agenda contained a number of obsolete deadlines, leaving some safety representatives interviewed by BNA unclear about the direction of DOL's Occupational Safety and Health...

Wage & Hour

**Commenters Question Wisdom of Applying
FLSA to Home Care, Burden of Right-to-Know**

Judging from the discussion on a live web chat hosted July 13 by the Labor Department's Wage and Hour Division, the public is very concerned about WHD's intentions to modify rules relating to pay for in-home companions and workers'...

ECONOMIC NEWS

Compensation

**Private Sector Workers Likely to See
Higher Pay Increases, BNA Index Signals**

Private sector workers likely will see higher annual pay increases in the near future, according to the final second quarter Wage Trend Indicator scheduled for release July 14 by BNA....

Listing

**WTI Components and Index, 1st Quarter 2003 — 1st
Quarter 2011**

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Microsoft Outlook

From: Baniszewski, Joseph
Sent: Sunday, April 11, 2010 7:48 PM
To: Frankl, Joseph F.; Siegel, Richard; Purcell, Anne G.; Meisburg, Ronald; Higgins, John E.
Subject: Fw: Boeing Unfair Labor Practice Charges

Rich is meeting tomorrow with this delegation from the IAM re Boeing, I'll attend when I arrive at the Regional office and will let you know what happens.

Joe

Sent from my BlackBerry Wireless Handheld

From: Baniszewski, Joseph
To: Ahearn, Richard L.
Sent: Sun Apr 11 16:37:45 2010
Subject: Re: Boeing Unfair Labor Practice Charges

Something to do with the new, huge production facility in South Carolina?

Joe

Sent from my BlackBerry Wireless Handheld

From: Ahearn, Richard L.
To: Baniszewski, Joseph
Sent: Sun Apr 11 15:32:27 2010
Subject: Re: Boeing Unfair Labor Practice Charges

Don't know; they're outlining a charge they're about to file. From the lineup, they consider it damn important.

R

Sent from my BlackBerry Wireless Handheld

From: Baniszewski, Joseph
To: Ahearn, Richard L.
Sent: Sun Apr 11 15:27:03 2010
Subject: Re: Boeing Unfair Labor Practice Charges

Thanks, quite the group, I'm interested in attending - what's the topic?

Joe

Sent from my BlackBerry Wireless Handheld

From: Ahearn, Richard L.
To: Baniszewski, Joseph
Sent: Sun Apr 11 15:07:38 2010
Subject: Fw: Boeing Unfair Labor Practice Charges

FYI...in case you're here by then.

Rich

Sent from my BlackBerry Wireless Handheld

From: David Campbell <campbell@workerlaw.com>

To: David Campbell <campbell@workerlaw.com>; Ahearn, Richard L.

Cc: Corson Christopher <ccorson@iamaw.org>; mblondin@iamaw.org <mblondin@iamaw.org>; tomw@iam751.org <tomw@iam751.org>; Carson Glickman-Flora <flora@workerlaw.com>; Kathy Barnard <barnard@workerlaw.com>; Jude Bryan <bryan@workerlaw.com>

Sent: Sun Apr 11 14:48:00 2010

Subject: RE: Boeing Unfair Labor Practice Charges

Director Ahearn, Thank you for taking the time to meet with us. This will confirm our meeting Monday April 12 at your offices at 2:30 PM. Attendees will include Rich. Michalski, General Vice President of the IAM, Chris Corson, General Counsel for the IAM, Tom Wroblewski, President of IAM District Lodge 751, Mark Blondin, the IAM National Boeing Coordinator, my partner, Carson Glickman-Flora and myself. We look forward to our meeting.

Thanks, Dave

Sincerely, David Campbell

campbell@workerlaw.com

18 W Mercer Suite 400

Seattle, Washington 98119-3971

Phone (206)285-2828; FAX (206)378-4132

This communication is protected by the attorney client and attorney work-product privileges. Please do not copy, forward or append.

From: David Campbell

Sent: Friday, April 02, 2010 10:25 AM

To: Ahearn, Richard L.

Cc: Corson Christopher; Mark Blondin (mblondin@iamaw.org); tomw@iam751.org; Carson Glickman-Flora; Kathy Barnard; Jude Bryan

Subject: Boeing Unfair Labor Practice Charges

Director Ahearn, We propose to meet with you and your staff regarding the latest Boeing charges at 1:30 PM on April 12, 2010 at your offices. Please advise if this will work with your schedule.

Thanks, Dave

Sincerely, David Campbell

campbell@workerlaw.com

18 W Mercer Suite 400

Seattle, Washington 98119-3971

Phone (206)285-2828; FAX (206)378-4132

This communication is protected by the attorney client and attorney work-product privileges. Please do not copy, forward or append.

Microsoft Outlook

From: Martin, Andrew
Sent: Friday, January 21, 2011 9:09 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arbogast, Carol A.; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Crawford, Angela; Dreeben, Linda J.; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Glasser, Stephen M.; Gold, Wayne R.; Gottschalk, Irving E.; Graham, David; Griffin, Jill; Guest, Matt; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Higgins, John E.; Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; James, Kathleen; John Higgins (higgins@cua.edu); Jones, Harry; Joseph, Gloria; Kane, Robert F.; Katz, Judy; Kearney, Barry J.; Kilpatrick, Elizabeth; Kinard, Martha E.; Klepper, Arlene F.; Krafts, Andrew J.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Saunders, Josh D.; Schaumber, Peter; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Spector, Jennifer R.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

Federal Labor Council Releases Memorandum To Increase Compliance With Executive Order

Federal agencies must engage with employee unions in predecisional talks regarding "all workplace matters to the fullest extent practicable," according to a memorandum released Jan. 19 by Office of Personnel Management Director...

NLRB to Run Ohio Hospital Elections Three Years After Initial Votes Cancelled

Nearly three years after elections at nine hospitals owned by Catholic Healthcare Partners in Ohio were cancelled due to interference from a national nurses' union, workers at more than a dozen CHP facilities will vote Jan. 27 on whether...

The Fall and Rise of Hotel Worker Unionism

Dollars & Sense – 1/20/11 11:14 AM

Words matched: NLRB

The remaking of the Hotel and Restaurant Employees (HERE) union over the past 40 years began in New Haven, Conn., where current UNITE HERE president

...the AFL-CIO to form Change To Win. Julius Getman, a former **NLRB** attorney and arbitrator, joined the law faculty at Yale in 1977, when Sirabella ...

Chicago Teamsters Link With Chinese Labor Federation For Trade Union Partnership

Sourcewz World – 1/20/11 12:06 PM

Words matched: National Labor Relations Board, NLRB

... January 20, 2011 Coli: Teamsters In Illinois Take Major Step Towards Global Cooperation Press Contact Will Petty 847-292-1225 (CHICAGO) - As Chinese

04:21 ... source : International Brotherhood Of Teamsters **National Labor Relations Board** Issues Complaint Against Baumann Bus ... Fair Contract...

Union Sues Over Haley's Remarks About Boeing Plant

CBS News – 1/20/11 8:25 PM

[1 other source \(The New York Times\)](#)

Words matched: National Labor Relations Board

Machinist Union Sues SC Gov. Nikki Haley Over Remarks Opposing Union At Boeing Plant

...it," Haley spokesman Rob Godfrey said. Meanwhile, the **National Labor Relations Board** has threatened a federal lawsuit against South Carolina ,

Motive for pending termination of dining hall employee questioned at Pomona College

San Jose Mercury News – 1/20/11 4:34 AM

Words matched: National Labor Relations Board, NLRB

CLAREMONT - Dining hall workers say Pomona College's motivation for announcing possible termination of one of their own is a retaliatory move prompted

*The workers also want to use a card check process, in which **National Labor Relations Board** can certify a union if a majority of employees sign...*

Andrew Martin
Librarian (Law)
National Labor Relations Board
1099 14th Street NW
Suite 800
Washington, DC 20570
(202) 273-3724
(202) 273-2906 fax
andrew.martin@nlrb.gov

Microsoft Outlook

From: Solomon, Lafe E.
Sent: Wednesday, April 20, 2011 1:59 PM
To: Liebman, Wilma B.
Subject: FW: Machinist news release is out

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nlr-b-complaint-over-boeing-south-carolina-move>

Tony Wagner
New Media Specialist | Office of Public Affairs
National Labor Relations Board (NLRB)
1099 14th Street NW, Suite 11550 | Washington, DC 20570
anthony.wagner@nrb.gov | 202-273-0187 | cell: 202-375-9791
nrb.gov | m.nrb.gov | facebook.com/NLRBpage | [@nrb](https://twitter.com/nrb)

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Thursday, April 21, 2011 1:59 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.
Subject: seattletimes.com: NLRB ruling: A speed bump on the race to the bottom

NLRB ruling: A speed bump on the race to the bottom

Excuse me for not getting hysterical over the National Labor Relations Board ruling that Boeing violated federal labor law by building a second 787 line at a non-union plant in South Carolina to retaliate against union workers here for past strikes.

http://seattletimes.nwsources.com/html/soundeconomywithjontalton/2014835671_nlr_b_ruling_a_speed_bump_on_th.html

=====

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www.seattletimes.com

Microsoft Outlook

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 8:09 AM
To: Solomon, Lafe E.
Subject: RE:

Exemption 5, 7(A)

From: Solomon, Lafe E.
Sent: Tuesday, May 03, 2011 11:59 AM
To: Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Mattina, Celeste J.; Abruzzo, Jennifer; Ahearn, Richard L.; Garza, Jose
Subject: Fwd:

Sent from my mobile

Begin forwarded message:

From: "Luttig, Michael" <michael.luttig@boeing.com>
To: "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>

Microsoft Outlook

From: Solomon, Lafe E.
Sent: Wednesday, May 04, 2011 8:38 AM
To: Kearney, Barry J.
Subject: Re:

Let's talk.

Exemption 5, 7(A)

Sent from my BlackBerry Wireless Handheld

From: Kearney, Barry J.
To: Solomon, Lafe E.
Sent: Wed May 04 08:08:39 2011
Subject: RE:

Exemption 5, 7(A)

From: Solomon, Lafe E.
Sent: Tuesday, May 03, 2011 11:59 AM
To: Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Mattina, Celeste J.; Abruzzo, Jennifer; Ahearn, Richard L.; Garza, Jose
Subject: Fwd:

Sent from my mobile

Begin forwarded message:

From: "Luttig, Michael" <michael.luttig@boeing.com>
To: "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>

Microsoft Outlook


From: Solomon, Lafe E.
Sent: Wednesday, May 04, 2011 3:31 PM
To: Cleeland, Nancy
Subject: RE: NLRB story

Wow!

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 2:40 PM
To: Solomon, Lafe E.; Ahearn, Richard L.; Kearney, Barry J.; Garza, Jose
Subject: FW: NLRB story

You might enjoy this one.

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov



Non-Responsive

Microsoft Outlook

From: rich ahearn [redacted] *Exemption 6 - Privacy*
Sent: Wednesday, May 04, 2011 9:55 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Subject: Fwd: IAM press release
Attachments: 2011_05_04 Press Release.pdf; ATT00001..txt

FYI

Begin forwarded message:

Labor News

Contact: Connie Kelliher 206-764-0343 office, 206-755-8575 cell
Bryan Corliss 206-764-0357 office, 425-327-3512 cell



FOR IMMEDIATE RELEASE: May 4, 2011

Boeing Uses Clout to Block Federal Law Enforcement Action

The Boeing Company has long been a top spender in the Washington legislature to gain low tax rates and other corporate benefits. Now it is trying to use its clout in the other Washington to intimidate and coerce the federal agency investigating Boeing's unlawful retaliation against its workers in the Puget Sound.

On April 20, the National Labor Relations Board, which is charged with protecting workers' rights to engage in collective bargaining, issued a complaint against Boeing for retaliating against its workers who engaged in collective activity by moving part of their work on the new 787 Dreamliner to another state. Boeing publicly admitted that its primary motive was because of its workers' exercise of their rights.

Yesterday, in an unprecedented attack on a federal law enforcement agency, Boeing's top lawyer sent a 10-page public rant to the agency, attacking and demanding that the agency's law enforcement efforts be withdrawn. Such a letter is highly unusual, as it seeks to undermine the Agency's authority to perform its statutory duties. Typically, employers charged by the Agency make their defenses at a legal hearing, which has already been scheduled, and do not seek to take down the Agency itself.

Then, ten U.S. Senators friendly to Boeing's anti-worker message challenged the chief law enforcement officer of the agency. That public official, a 39-year career attorney at the agency with no ties to organized labor, is up for confirmation in the U.S. Senate later this year.

"In my 28 years of practicing labor law, I have never seen an employer use these types of overtly political tactics to avoid a legal proceeding," said David Campbell, IAM District 751 lawyer. "Rather than face the music at the June 14 hearing, the Boeing Company is apparently trying to kill the case politically. This tactic shows all too clearly how desperate the Company is to avoid litigating the merits of a case it knows it will lose."

The NLRB's case against Boeing rests upon Boeing's own admissions that it sought to avoid lawful collective activity in Washington state. While Boeing claims that it is free to take

whatever action it thinks may be necessary to avoid collective bargaining and strike activity, that is simply not the law. Just as the law prohibits discrimination against whistleblowers or workers who take family leave, America's laws protect workers who engage in collective activity.

This case presents a simple issue: Do big companies have to obey the law? If employers can retaliate against workers who exercise rights that are protected by law, then those rights will be gone. The NLRB's long-term professional Regional Staff, National Office of Advice and General Counsel reviewed this case for a year, found convincing merit, and issued a complaint. The hearing should continue according to its rules like any law enforcement process.

If, as Boeing claims, the case is frivolous, it will have the opportunity to present its argument before a judge on June 14 in Seattle. It can appeal the judge's decision to members of the National Labor Relations Board. If it is still unsatisfied, it can appeal to the federal courts.

Instead of following the rule of law, Boeing is using its tremendous political clout to try to stop the actions of an independent federal law enforcement agency. Such tactics might work in corrupt nations where money – not the law – rules, but should not here in America.

##

Microsoft Outlook

From: Solomon, Lafe E.
Sent: Wednesday, May 04, 2011 9:49 PM
To: [REDACTED] *R.Ahearn personal email - Exemption 6 - Privacy*
Subject: Re: Fwd: IAM press release

Call me next week so I can give you some background.

Sent from my BlackBerry Wireless Handheld

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

From: rich ahearn [REDACTED] *Exemption 6 - Privacy*
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Sent: Wed May 04 21:34:33 2011
Subject: Fwd: IAM press release

FYI

Begin forwarded message:

Microsoft Outlook

From: Liebman, Wilma B.
Sent: Thursday, May 05, 2011 8:03 AM
To: Cleeland, Nancy; Solomon, Lafe E.
Subject: RE: NLRB story

Remember this one by Judis from last year?

<http://www.tnr.com/article/politics/archive/obama-labor-and-delivery>

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 5:31 PM
To: Liebman, Wilma B.
Subject: FW: NLRB story

Here it is

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov

Non-Responsive

Microsoft Outlook

From: Sophir, Jayme
Sent: Wednesday, October 27, 2010 3:43 PM
To: Kearney, Barry J.
Subject: RE: Boeing

Did we ever hear about this?

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

From: Kearney, Barry J.
Sent: Friday, October 22, 2010 4:39 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Higgins, John E.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Boeing

Hopefully we will hear Monday

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

From: Hankins, Richard [mailto:rhankins@mckennalong.com]
Sent: Friday, October 22, 2010 4:29 PM
To: Kearney, Barry J.
Subject: Boeing

Mr. Kearney,

I've conveyed your meeting request to Boeing representatives, and they are discussing it. I hope to let you know something on Monday. I hope that is okay with you.

Richard B. Hankins
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, Ga 30308
Tel: 404.527.8372 | Fax: 404.527.7088 | rhankins@mckennalong.com

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Tracking:

Recipient

Kearney, Barry J.

Delivery

Delivered: 10/27/2010 3:43 PM

Microsoft Outlook

From: Solomon, Lafe E.
Sent: Wednesday, April 20, 2011 1:47 PM
To: Mattina, Celeste J.; Abruzzo, Jennifer; Kearney, Barry J.; Sophir, Jayme; Ahearn, Richard L.
Subject: FW: Boeing - Machinist news release is out

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nlr-complaint-over-boeing-south-carolina-move>

Tony Wagner
New Media Specialist | Office of Public Affairs
National Labor Relations Board (NLRB)
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anthony.wagner@nrb.gov | 202-273-0187 | cell: 202-375-9791
nrb.gov | m.nrb.gov | facebook.com/NLRBpage | [@nrb](https://twitter.com/nrb)

Microsoft Outlook

From: Sophir, Jayme
Sent: Wednesday, April 20, 2011 1:49 PM
To: Willen, Debra L
Cc: Szapiro, Miriam
Subject: FW: Machinist news release is out

From: Solomon, Lafe E.
Sent: Wednesday, April 20, 2011 1:47 PM
To: Mattina, Celeste J.; Abruzzo, Jennifer; Kearney, Barry J.; Sophir, Jayme; Ahearn, Richard L.
Subject: FW: Machinist news release is out

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nlr-complaint-over-boeing-south-carolina-move>

Tony Wagner
New Media Specialist | Office of Public Affairs
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1099 14th Street NW, Suite 11550 | Washington, DC 20570
anthony.wagner@nrb.gov | 202-273-0187 | cell: 202-375-9791
nrb.gov | m.nrb.gov | [facebook.com/NLRBpage](https://www.facebook.com/NLRBpage) | [@nrb](https://twitter.com/nrb)

Tracking:

Recipient

Willen, Debra L

Szapiro, Miriam

Delivery

Delivered: 4/20/2011 1:50 PM

Delivered: 4/20/2011 1:50 PM

Microsoft Outlook

From: NLRB Updates
Sent: Wednesday, April 20, 2011 2:46 PM
To: Sophir, Jayme
Subject: Boeing - press release NLRB issues complaint against Boeing Company for unlawfully transferring work to a non-union facility

April 20, 2011

Contact:
Office of Public Affairs
202-273-1991
publicinfo@nrlb.gov
www.nrlb.gov

NLRB issues complaint against Boeing Company for unlawfully transferring work to a non-union facility

NLRB Acting General Counsel Lafe Solomon today issued a complaint against the Boeing Company alleging that it violated federal labor law by deciding to transfer a second production line to a non-union facility in South Carolina for discriminatory reasons.

Boeing announced in 2007 that it planned to assemble seven 787 Dreamliner airplanes per month in the Puget Sound area of Washington state, where its employees have long been represented by the International Association of Machinists and Aerospace Workers. The company later said that it would create a second production line to assemble an additional three planes a month to address a growing backlog of orders. In October 2009, Boeing announced that it would locate that second line at the non-union facility.

In repeated statements to employees and the media, company executives cited the unionized employees' past strike activity and the possibility of strikes occurring sometime in the future as the overriding factors in deciding to locate the second line in the non-union facility.

The NLRB launched an investigation of the transfer of second line work in response to charges filed by the Machinists union and found reasonable cause to believe that Boeing had violated two sections of the National Labor Relations Act because its statements were coercive to employees and its actions were motivated by a desire to retaliate for past strikes and chill future strike activity.

"A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Mr. Solomon said. "We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law. I have worked with the parties to encourage settlement in the hope of avoiding costly litigation, and my door remains open to that possibility."

To remedy the alleged unfair labor practices, the Acting General Counsel seeks an order that would require Boeing to maintain the second production line in Washington state. The complaint does not seek closure of the South Carolina facility, nor does it prohibit Boeing from assembling planes there.

Absent a settlement between the parties, the next step in the process will be a hearing before an NLRB administrative law judge in Seattle, set for June 14, at which both parties will have an opportunity to present evidence and arguments.

[Click here to view a fact sheet.](#)

[Click here to view this news release on our website.](#)

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Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, April 21, 2011 8:35 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: Boeing - NY Times coverage

New York Times

April 20, 2011

Labor Board Tells Boeing New Factory Breaks Law

By [STEVEN GREENHOUSE](#)

In what may be the strongest signal yet of the new pro-labor orientation of the [National Labor Relations Board](#) under [President Obama](#), the agency filed a complaint Wednesday seeking to force [Boeing](#) to bring an airplane production line back to its unionized facilities in Washington State instead of moving the work to a nonunion plant in South Carolina.

[In its complaint](#), the labor board said that Boeing's decision to transfer a second production line for its new [787 Dreamliner](#) passenger plane to South Carolina was motivated by an unlawful desire to retaliate against union workers for their past strikes in Washington and to discourage future strikes. The agency's acting general counsel, Lafe Solomon, said it was illegal for companies to take actions in retaliation against workers for exercising the right to strike.

Although manufacturers have long moved plants to nonunion states, the board noted that Boeing officials had, in internal documents and news interviews, specifically cited the strikes and potential future strikes as a reason for their 2009 decision to expand in South Carolina.

Boeing said it would "vigorously contest" the labor board's complaint. "This claim is legally frivolous and represents a radical departure from both N.L.R.B. and [Supreme Court](#) precedent," said J. Michael Luttig, a Boeing executive vice president and its general counsel. "Boeing has every right under both federal law and its collective bargaining agreement to build additional U.S. production capacity outside of the Puget Sound region."

It is highly unusual for the federal government to seek to reverse a corporate decision as important as the location of plant.

But ever since a Democratic majority took control of the five-member board after Mr. Obama's election, the board has signaled that it would seek to adopt a more liberal, pro-union tilt after years of pro-employer decisions under President Bush.

Although the board has not yet issued many major decisions reversing Bush-era policies, it has begun requiring private sector employers to post a notice about workers' right to unionize, and Mr. Solomon has begun moving more aggressively to win reinstatement of union supporters fired illegally by management during unionization drives.

In a statement Wednesday, Mr. Solomon said: “A worker’s right to strike is a fundamental right guaranteed by the National Labor Relations Act. We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law.”

South Carolina’s two senators, both Republicans, [Lindsey Graham](#) and [Jim DeMint](#), denounced the board’s move. “This is nothing more than a political favor for the unions who are supporting President Obama’s re-election campaign,” Mr. DeMint said.

The labor board said that in 2007, Boeing announced plans to create a second production line that would make three 787 Dreamliner planes a month in the Puget Sound area to address a growing backlog of orders. That was to be in addition to a line already making seven Dreamliners a month there. In October 2009, Boeing said it would locate its second line at a new, nonunion plant in South Carolina.

The N.L.R.B. asserted that on numerous occasions Boeing officials had communicated an unlawful motive for transferring the production line, including an interview with The Seattle Times in which a Boeing executive said, “The overriding factor was not the business climate. And it was not the wages we’re paying today. It was that we cannot afford to have a work stoppage, you know, every three years.”

Mr. Solomon brought the complaint after a union representing many of Boeing’s Washington workers, the [International Association of Machinists and Aerospace Workers](#), complained that Boeing had decided to move production to South Carolina largely in retaliation for a 58-day strike in 2008.

“Boeing’s decision to build a 787 assembly line in South Carolina sent a message that Boeing workers would suffer financial harm for exercising their collective bargaining rights,” said the union’s vice president, Rich Michalski.

Mr. Solomon said that if he failed to settle the dispute, an administrative judge would begin hearing the case on June 14 in Seattle. Mr. Solomon said he was not seeking to close the South Carolina factory or prohibit Boeing from assembling planes there.

Boeing criticized the timing of the N.L.R.B.’s complaint, saying it came when construction of the factory in North Charleston, S.C., was nearly complete and after 1,000 employees had already been hired there.

Boeing said on Wednesday that none of the production jobs in South Carolina had come at the expense of jobs in Washington. It noted that its unionized employment in the Puget Sound area had increased by 2,000 since it announced its decision to expand in South Carolina.

The company also said it had decided to expand in South Carolina in part to protect business continuity and to reduce the damage to its finances and reputation from future work stoppages.

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From: Willen, Debra L
Sent: Thursday, April 21, 2011 8:36 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: Boeing - today's wsj coverage
Attachments: image001.jpg

Wall Street Journal April 21, 2011

Boeing to Fight Order to Move 787
By [MELANIE TROTTMAN](#)

The National Labor Relations Board Wednesday said aircraft maker [Boeing](#) Co. violated federal labor law by building a second production line for its 787 Dreamliner at a non-union factory in South Carolina, siding with union workers in Washington State who charged the decision was retaliation for their past strikes.

The Chicago company called the NLRB's complaint "legally frivolous" and a "radical departure" from precedents. It said it will fight the complaint, which was sought by the International Association of Machinists and Aerospace Workers union.

The NLRB's action comes amid a broad conflict over the role of unions in the economy. Unions have responded to setbacks in the 2010 elections, which put Republicans in charge of the U.S. House of Representatives and in state houses around the country, by pressing the Obama administration and the majority Democrat NLRB to favor union positions.

President Barack Obama also has been trying to cultivate business leaders by promising to review and possibly roll back regulation, and doing more to help U.S. companies boost exports. Boeing is a big U.S. exporter.

[View Full Image](#)



Agence France-Presse/Getty Images

Boeing plans to build the 787 Dreamliner, shown above in Washington state in March, at a non-union plant.

NLRB Acting General Counsel Lafe Solomon said that in repeated statements to employees and the media, Boeing executives cited the unionized employees' past strike activity and the possibility of future strikes as the overriding factors in deciding to locate the second production line at the nonunion facility. The comments were coercive and motivated by a desire to retaliate against workers for past strikes, while attempting to discourage future strike activity, the agency charged.

"A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Mr. Solomon said in a statement. "We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law."

Mr. Solomon proposed a board order that would require Boeing to operate the second production line in Washington State. Boeing said it is scheduled to begin assembling planes in July at the South Carolina facility, where more than 1,000 new workers have been hired.

John Raudabaugh, a former NLRB Republican member who represents companies for Washington, D.C., law firm Nixon Peabody LLP, said Boeing executives should have been more measured with their words. "I think it's unfortunate if they said it the way it has been reported," he said. "They should have offered up a cost-related explanation," Mr. Raudabaugh said.

Sen. Lindsey Graham (R., S.C.) attacked the NLRB in a statement, saying that if the board's action is upheld it would "allow unions to hold a virtual 'veto' over business decisions." Mr. Graham said the NLRB is trying to punish states such as South Carolina where unions are relatively weak, and he said he'd seek legislation to cut off funding for "this wild goose chase."

Joe Trauger, a vice president at the National Association of Manufacturers, said the NLRB's decision sends a message that companies with union representation can't expand in right-to-work states. If the complaint succeeds "no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," he said.

The board is reversing decades of its own precedent and Supreme Court rulings to "advance its agenda to expand unionization," Mr. Trauger said. "If the IAM and NLRB succeed in their complaint, no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," Mr. Trauger said. IAM Vice President Rich Michalski, whose union represents more than 35,000 Boeing workers, praised the decision, saying Boeing "needs to rethink its strategy of repeatedly alienating its most valuable asset: the highly-skilled workers who build Boeing aircraft."

The NLRB said it plans to hold a hearing June 14 before an NLRB administrative judge in Seattle "absent a settlement between the two parties."

Boeing said it held "extensive" talks with the Machinists about potentially placing the additional production in Washington. But that failed amid demands "that would have hampered the company's competitiveness in the increasingly competitive global market for large commercial airplanes," the company said.

Boeing said the Machinists ultimately have suffered no job losses from the decision because the company has increased employment in the Puget Sound area by about 2,000 workers since deciding to expand in South Carolina in October 2009.

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From: Kearney, Barry J.
Sent: Thursday, April 21, 2011 2:46 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Boeing - seattletimes.com: NLRB ruling: A speed bump on the race to the bottom

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

From: Ahearn, Richard L.
Sent: Thursday, April 21, 2011 1:59 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.
Subject: seattletimes.com: NLRB ruling: A speed bump on the race to the bottom

NLRB ruling: A speed bump on the race to the bottom

Excuse me for not getting hysterical over the National Labor Relations Board ruling that Boeing violated federal labor law by building a second 787 line at a non-union plant in South Carolina to retaliate against union workers here for past strikes.

http://seattletimes.nwsources.com/html/soundeconomywithjontalton/2014835671_nlr_b_ruling_a_speed_bump_on_th.html

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From: Willen, Debra L
Sent: Friday, April 22, 2011 8:52 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: Boeing - Senator DeMint weighs in

Laura Pho sent me this link:

<http://www.newsmax.com/InsideCover/demint-labor-relations-board/2011/04/21/id/393722>

Microsoft Outlook

From: Kearney, Barry J.
Sent: Tuesday, April 26, 2011 12:09 PM
To: Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Boeing still struggling with 787 - seattletimes.com:

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

From: Ahearn, Richard L.
Sent: Tuesday, April 26, 2011 11:11 AM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen
Subject: FW: seattletimes.com: Boeing still struggling with 787

Boeing still struggling with 787

While Boeing may meet its deadline to deliver the first 787 to All Nippon Airways of Japan before Sept. 30, the production pace projected for 2011 appears out of reach.

http://seattletimes.nwsources.com/html/business/technology/2014875561_boeing26.html

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From: Willen, Debra L
Sent: Monday, May 02, 2011 9:15 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: FW: Boeing - Haley letter in WSJ

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

From: Mantz, John
Sent: Monday, May 02, 2011 8:16 AM
To: Willen, Debra L
Subject: FW: Lussier's e-mail

Deb,
Have you seen this?

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

From: Lussier, Richard
Sent: Sunday, May 01, 2011 6:36 PM
To: Belin, Jeremy S.; Compton, Kayce R.; Frisch, Jacob; Mantz, John; Marx, Eric C.; Oddis, Robert N.; Pho, Laura D; Vazquez, Laura T.
Subject:

http://online.wsj.com/article/SB10001424052748703778104576287290266016016.html?mod=WSJ_Opinion_LEADTop

Microsoft Outlook

From: Sophir, Jayme
Sent: Monday, May 02, 2011 9:22 AM
To: Willen, Debra L
Subject: RE: Lussier's e-mail - Governor Haley in WSJ

ugh

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

From: Willen, Debra L
Sent: Monday, May 02, 2011 9:15 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: FW: Lussier's e-mail - Governor Haley in WSJ

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

From: Mantz, John
Sent: Monday, May 02, 2011 8:16 AM
To: Willen, Debra L
Subject: FW: Lussier's e-mail

Deb,
Have you seen this?

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

From: Lussier, Richard
Sent: Sunday, May 01, 2011 6:36 PM
To: Belin, Jeremy S.; Compton, Kayce R.; Frisch, Jacob; Mantz, John; Marx, Eric C.; Oddis, Robert N.; Pho, Laura D; Vazquez, Laura T.
Subject:

http://online.wsj.com/article/SB10001424052748703778104576287290266016016.html?mod=WSJ_Opinion_LEADTop

Tracking:

Recipient

Willen, Debra L

Delivery

Delivered: 5/2/2011 9:22 AM

Microsoft Outlook

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 9:35 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Boeing - solomon letter
Attachments: Solomon letter with attachment - May 3, 2011.pdf; ATT00001..htm

Exemption 5, 7(A)

From: Solomon, Lafe E.
Sent: Tuesday, May 03, 2011 11:59 AM
To: Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Mattina, Celeste J.; Abruzzo, Jennifer; Ahearn, Richard L.; Garza, Jose
Subject: Fwd:

Sent from my mobile

Begin forwarded message:

From: "Luttig, Michael" <michael.luttig@boeing.com>
To: "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>

May 3, 2011



Lafe E. Solomon, Esquire
Acting General Counsel
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Dear Mr. Solomon:

I write regarding statements in your complaint and elsewhere—including statements attributed to you in the *New York Times* on April 23—about Boeing's decision to place its new 787 final assembly line in South Carolina. A number of these statements, which are critical to your case against Boeing, fundamentally misquote or mischaracterize statements by Boeing executives and actions taken by the Company. You have a responsibility to correct these misquotations and mischaracterizations, for the public record and also for purposes of the complaint you have filed. Through these misquotations and mischaracterizations, you have done a grave disservice to The Boeing Company, its executives and shareholders, and to the 160,000 Boeing employees worldwide. And, of course, you have filed a complaint based upon these misstatements that cannot be credibly maintained under law.

Your Statement That Boeing "Transferred" Union Work

As an initial matter, repeated statements in the complaint allege that Boeing "removed work" from Puget Sound (§6), "decided to *transfer* its second 787 Dreamliner production line" to South Carolina (§7(a)), and "decided to *transfer* a sourcing supply program" to South Carolina (§8(a)). Your April 20 press release makes the same assertion: "The NLRB launched an investigation of the *transfer* of second line work in response to charges filed by the Machinists union and found reasonable cause to believe that Boeing had violated two sections of the National Labor Relations Act."

As you well know, no work—none at all—was "removed" or "transferred" from Puget Sound. The second line for the 787 is a new final assembly line. As it did not previously exist in Puget Sound or elsewhere, the second assembly line could not have been "removed" from, "transferred" or otherwise "moved" to South Carolina. Simply put, the work that is and will be done at our Charleston, South Carolina final assembly facility is new work, required and added in response to the historic customer demand for the 787. No member of the International Association of Machinists' union (IAM) in Puget Sound has lost his or her job, or otherwise suffered

any adverse employment action, as a result of the placement of this new work in the State of South Carolina.

Your own Regional Director, whose office you have tasked with prosecuting this case, understands that, and has accurately and publicly described the matter differently than you. As the Seattle Times reported last year, “Richard Ahearn, the NLRB regional director investigating the complaint, said it would have been an easier case for the union to argue if Boeing had moved existing work from Everett, rather than placing new work in Charleston.” Dominic Gates, *Machinists File Unfair Labor Charge Against Boeing over Charleston*, Seattle Times, June 4, 2010.



Since no actual work was “transferred,” it now appears that NLRB officials are already, via public statements, transforming the theory of the complaint to say that, because Boeing committed to the State of Washington that it would build all of the Company’s 787s in that state, the building of airplanes in South Carolina constitutes “transferred” work or work “removed.” Thus, on April 26, an NLRB spokeswoman, Nancy Cleeland, apparently told a news organization that “the charge that Boeing is transferring work away from union employees stems from the company’s original commitment ‘to the State of Washington that it would build the Dreamliner airplanes in this state.’”

The premise underlying that assertion—that Boeing committed to the State of Washington to build all of the Company’s 787s in Washington—is false. Boeing did not commit to the State of Washington that it would build all of its 787s in that state. Boeing honored—and fully—all of its contractual commitments to the State of Washington long before the decision to locate the Company’s new production facility in South Carolina. The notion that Boeing had somehow committed to Washington State to build all 787s in that state is neither mentioned nor even suggested either in the IAM’s charge or in your recently filed complaint, and you never asserted that Boeing had made such contractual commitments to the State of Washington in the several discussions we have had with you in the months preceding your filing of the complaint. Had you done so, we would have explained to you why such an understanding was plainly incorrect. I call upon you to quickly and fully correct the record on this point. In addition to being wholly uninformed, it creates the impression that you and your office are now in search of a theory that will support a predetermined outcome, even a theory that has nothing to do with the National Labor Relations Act.

Your Statement That Boeing Sought To “Punish” Union Employees

Mischaracterizing what Boeing did by calling it a “transfer” of work, or suggesting that Boeing broke commitments to the State of Washington, is bad enough. Far more egregious, however, are the statements that have been made concerning the motives and intent of Boeing’s leaders—specifically, that senior Boeing executives sought to “punish” union employees and to “threaten” them for

their past and possible future strikes, through the Company's statements and its location of the second final assembly line in South Carolina.

The *New York Times* quotes you as saying that Boeing "had a *consistent message* that [the Company and its Executives] were doing this to *punish* their employees for having struck and having the power to strike in the future." (Steven Greenhouse, *Labor Board Case Against Boeing Points to Fights to Come*, New York Times, April 23, 2010, emphasis added.) Neither your complaint nor the post-hoc statements you and other officials of the NLRB have made since the filing of the complaint offers a single Boeing statement—let alone a "consistent message"—that Boeing acted to "punish" its employees, and, needless to say, you offer no evidence of this in your national media interview either.



The complaint alleges that Boeing Commercial Airplanes CEO Jim Albaugh stated that Boeing "decided to locate its 787 Dreamliner second line in South Carolina because of past Unit strikes, and threatened the loss of future Unit work opportunities because of such strikes." (Complaint ¶6(e).) The complaint cites a March 2, 2010 interview of Mr. Albaugh by the Seattle Times, but does not purport to be quoting any particular statement. The NLRB's website, however, offers a "fact sheet" that quotes Mr. Albaugh as saying: "The overriding factor [in transferring the line] was not the business climate. And it was not the wages we're paying today. It was that we cannot afford to have a work stoppage, you know, every three years." <http://nlrb.gov/node/443>

It would, of course, have been entirely permissible under existing law for Mr. Albaugh to have made a statement that the Company considered the economic costs of future strikes in its business decision to locate work in South Carolina—or even that it was the sole reason for such decision. But Mr. Albaugh did not even say either of these things. Mr. Albaugh's full statement was as follows:

Well I think you can probably say that about all the states in the country right now with the economy being what it is. But again, the overriding factor was not the business climate and it was not the wages we're paying people today. It was that we can't afford to have a work stoppage every three years. *We can't afford to continue the rate of escalation of wages as we have in the past. You know, those are the overriding factors. And my bias was to stay here but we could not get those two issues done despite the best efforts of the Union and the best efforts of the company.*

The italicized sentences—which were deliberately omitted from your office's presentation of this quotation on its website—make clear that Mr. Albaugh was referencing two, rather than one, "overriding factors," only one of which is the risk of a future strike. These are critical omissions that directly contradict your apparent theory of this case.



Moreover, no reasonable reader of Mr. Albaugh's interview would depict it as part of a "consistent message" that Boeing sought to "punish" its union employees. Mr. Albaugh expresses his "bias" in favor of Puget Sound and lauds the good-faith efforts of both sides. He explains that the company's preference was to locate the new production line in Puget Sound and that both the company and the union made good-faith efforts to accomplish that shared objective. Thus, when not misquoted, it is not even arguable that Mr. Albaugh's statement constitutes a "message" of "punishment" to the union for its past or future strike capability.

The complaint's attempt to depict a statement by Jim McNerney, Boeing's Chairman and Chief Executive Officer, as a threat to punish union employees is but another example of mischaracterization. The complaint alleges that Mr. McNerney "made an extended statement regarding 'diversifying [Boeing's] labor pool and labor relationship,' and moving the 787 Dreamliner work to South Carolina *due to* 'strikes happening every three to four years in Puget Sound.'" (Complaint ¶6(a) (emphasis added).)

He did not say that at all. The allegation is a sleight-of-hand in two obvious respects, accomplished by the selective misquotation of Mr. McNerney's actual statements. First, Mr. McNerney was *not* making an "extended statement" about *why* Boeing selected Charleston. He was responding to a reporter's question about the cost of potentially locating a new assembly line in Charleston. And in fact, the decision to locate the new final assembly line in South Carolina had not even been made at the time Mr. McNerney's statements were made. Second, Mr. McNerney answered only the question as to comparative costs that was asked. Thus, in the passages you misquote and mischaracterize, he discussed the relative costs of a new facility in a location other than Puget Sound, versus the potential costs associated with "strikes happening every three to four years in Puget Sound." He did not say, as you allege through the complaint's misquotation, that Boeing selected Charleston "due to" strikes.

And Mr. McNerney did not even remotely suggest that what would later turn out to be the decision to open a new line in Charleston was *in retaliation* for such strikes, as you would have to establish to obtain the remedies you seek in your complaint. He did not say, he did not suggest, and he did not imply in any respect that Boeing intended to punish union employees or that a decision to locate a new facility other than in Puget Sound would or might be made to punish the union for past strikes or because of their power to strike in the future. Neither did he say, suggest, or imply that any existing union work was being transferred to Charleston. His answer cannot be cited in support of the legal theories in the complaint, much less the sweeping statement you made to the *New York Times* about Boeing's "consistent message" that Boeing and its executives sought to "punish" the Company's union employees.

Finally, Mr. McNerney's answer to a reporter's question *was not* "posted on Boeing's intranet website for all employees," much less posted for the purpose of

sending an illegal message under the NLRA, as the complaint incorrectly and misleadingly suggests.



Nor do any of the other few statements you reference in your complaint—which I attach to this letter—remotely suggest an intent to “punish” the Company’s unionized employees. Quite the contrary: these statements show, at most, that the Company considered (among multiple other factors) the risk and potential costs of future strikes in deciding where to locate its new final assembly facility. Those have been deemed permissible considerations by an unbroken line of Supreme Court and NLRB precedent for 45 years. Not only that, but, as you know, Boeing reached out to the IAM in an effort to secure a long-term agreement that would have resulted in placing the second line in Puget Sound. Although those negotiations were not successful, that effort alone defeats your wholly unsupported claim that Boeing executives sent a “consistent message” that Boeing’s decision was intended to “punish” the union for past strikes.

What you said to a national newspaper, that Boeing made a billion-dollar decision to “punish” its employees, is a very serious—indeed, intentionally provocative—allegation against Boeing’s leaders. Those leaders are deeply committed to all of the men and women who work for the Company, those represented by unions and those who are not. Your statement implies that Boeing’s most senior executives acted out of personal spite and retribution toward its labor union, as opposed to acting in the interests of the Company, the Company’s employees, and the Company’s shareholders. You have no support for that statement whatsoever.

Your Statement That Boeing’s Statements And Actions Were So Demonstrably Unlawful That You Were Compelled To File The Complaint

You also told the *New York Times* that, given the Company’s so-called “consistent message” that the Company intended to “punish” the union for its prior strikes and its power to strike in the future, you had no choice but to issue a complaint. (Specifically, you said: “I can’t not issue a complaint in the face of such evidence.”) Among other reasons, that statement is puzzling, to say the least, in light of the course of Boeing’s discussions with you and your office concerning this matter over the past six months. In particular, it is hard to reconcile with what has been your repeated statement that you did not believe this was a matter in which the NLRB should be involved and that you would take no action on the matter if Boeing agreed that it would not lay off any 787 employees in Puget Sound during the duration of its collective bargaining agreement with the IAM.

We of course understand that you reversed your position and abandoned the agreement that you yourself sought from Boeing after your further discussions with the complainant. But the point is this: It is exceedingly difficult to understand how you could have proposed and then agreed to such a resolution if, as you now say, you believed that the statements and actions by Boeing and its executives were so

egregious that the law literally compelled a complaint by the NLRB. Of course, the law compelled no such thing.

Your Statement That The Complaint Does Not Seek To Close Charleston

Finally, there is the issue of your articulation of the remedy sought in this complaint. The complaint seeks an order directing Boeing to "have the [IAM] operate [Boeing's] second line of 787 Dreamliner aircraft assembly production in the State of Washington." Notwithstanding that you are seeking this remedy, your office has been at pains since filing the complaint to state publicly that this is not equivalent to an order that Boeing "close its operations in South Carolina." *Fact Check*, available at www.nlr.gov (post of April 26, 2011). We and the public would be interested to hear your explanation as to why you believe that to be the case. Boeing's current plan is to produce a maximum of ten 787s per month: seven in Puget Sound, and three on the second line in Charleston. If the NLRB were to order Boeing to produce out of Puget Sound the three 787s per month that are planned to be assembled in Charleston, that would of course require the production of all of the Company's planned 787 production capacity in Puget Sound. That fact was explained repeatedly to you and your staff in our extended discussions before you filed the complaint.

* * * * *

Boeing intends to put this pattern of misquotations and mischaracterizations before the Administrative Law Judge, and ultimately, before the National Labor Relations Board itself in upcoming proceedings, Mr. Solomon. To the extent they reflect misunderstandings of the facts on your part, we would expect your prompt withdrawal of this complaint.

Sincerely yours,



J. Michael Luttig
Executive Vice President
& General Counsel
The Boeing Company

Attachment

Statements Referenced in the NLRB Complaint

6(a) - James McNerney, 2009 3rd Quarter Earnings Call, October 28, 2009

. . . . There would be execution challenges associated with that choice [of Charleston]. But keep in mind that we've got a pretty good-sized operation down in Charleston today. The -- there would be some duplication. We would obviously work to minimize that. But I think having said all of that, diversifying our labor pool and labor relationship, has some benefits. I think the union IAM and the Company have had trouble figuring it out between themselves over the last few contract discussions.

And I've got to figure out a way to reduce that risk to the Company. And so some of the modest inefficiencies, for example, associated with a move to Charleston, are certainly more than overcome by strikes happening every -- every three or four years in Puget Sound and the very negative financial impact of the Company, our balance sheet would be a lot stronger today had we not had a strike last year. Our customers would be a lot happier today, had we not had a strike last year. And the 787 program would be in better shape had we not. And so I don't blame -- I don't blame this totally on the union. We just haven't figured out a way, the mix doesn't -- isn't working well, yet. So we've either got to satisfactory satisfy ourselves the mix isn't different or we have to diversify our labor base.

6(b) - "787 Second Line Questions and Answers," 10/28/09

Q3: Was one site a higher cost than the other?

A: All things taken into account, this decision will provide economic advantages by improving our competitiveness and reducing vulnerability to delivery disruptions due to a host of factors, from natural disasters to homeland security issues and work stoppages. We're electing not to get into how individual sites fared in specific areas of the evaluation.

* * * * *

Q8: We understand you were pushing the union for a no-strike agreement and came close to getting a 10-year deal. Obviously you didn't reach an agreement. Was that the factor that tipped the decision?

A: It was an important part of our discussion with the union, but it wasn't the only factor in our decision. In the final analysis, this came down to ensuring our long-term global competitiveness and diversifying the company to protect against the risk of production disruptions that can occur for a variety of reasons, from natural disasters, to homeland security threats, to work stoppages. While we didn't reach a long-term agreement, we felt our discussions with the IAM were productive and focused on the

right things -- global competitiveness (including emerging competitors), and ways to sustain a reliable, on-time flow of deliveries to our customers. We look forward to moving forward with the IAM in a positive way to grow our business in an increasingly competitive market.

* * * * *

Q26: You say that having a second line in Charleston reduces risk, but if the IAM goes on strike in the Puget Sound again they will halt your production lines. What does a second line in another state really do for you then?

A: Geographically diversifying final assembly on the 787 will protect a portion of deliveries against disruption from both natural and man-made events, including work stoppages due to labor disputes. Having the second line will also give us assurance and flexibility in how we introduce derivatives such as the 787-9.

6(c) - *Seattle Times* article, December 7, 2009

Boeing spokesman Jim Proulx cited strikes in the Puget Sound region as a major factor in the decision. With a second supplier for every part, Boeing potentially could continue producing Dreamliners in South Carolina even if the Machinists went on strike here.

"Repeated labor disruptions have affected our performance in our customers' eyes," Proulx said. "We have to show our customers we can be a reliable supplier to them." The second production line "has to be able to go on regardless of what's happening over here," he added.

* * * * *

Ray Conner, vice president and general manager of supply-chain management and operations, sent a message Monday informing all Boeing Commercial Airplanes managers of the dual-sourcing decision.

"We will immediately begin identifying, selecting and contracting with suppliers to stand up fully operational coproduction by 2012," Conner's message said.

Proulx said Boeing has not determined how much work will be replicated within the company in the new Charleston facility and how much may go to outside suppliers.

When Boeing broke ground on its Charleston assembly line in November, the company disclosed extensive plans for other buildings at the facility. Among these is a "fin and rudder shop," which suggests the tail fin may be built at Boeing Charleston.

But Proulx said, "It's too soon to say what will go where."

He said the replication of parts sourcing also would “accommodate the ramp-up” required to shift to a planned rollout of 10 planes a month by the end of 2013.

* * * * *

Conner’s message said the union knew this was coming.

“We informed the (IAM) of our plans to begin dual sourcing during the company/union discussions preceding our decision to place the second 787 line in South Carolina,” Conner’s message to managers stated. “We remain committed to strengthening our working relationship with the union.”

* * * * *

Boeing’s Proulx said potential external suppliers are being assessed “based on capabilities, based on their ability to produce high-quality components and at the best value.”

“We’ll review supplier expertise, and we’ll ensure that the right level of training and oversight is in place to make sure the performance standards are met,” he said.

Conner’s message to managers emphasized the decision means duplication, not replacement, of work done in this region.

“We are not moving any work that Boeing employees are currently performing — we are just adding additional sources,” Conner said.

6(d) – *Puget Sound Business Journal* Article, December 8, 2009

“Dual-sourcing and co-production will allow us to maintain production stability and be a reliable supplier to our customers,” he said in the memo.

* * * * *

Boeing spokesman Jim Proulx said it was “too early” to tell if the new production will be contracted out or done by Boeing itself at the new South Carolina site, or elsewhere in the country.

He said this is not indicative of a wholesale movement of existing production away from this region.

“There will be no jobs lost as part of this move. There are no plans to take this work away,” he said.

6(e) -- Jim Albaugh Interview with the *Seattle Times*, March 2, 2010

Well I think you can probably say that about all the states in the country right now with the economy being what it is. But again, the overriding factor was not the business climate and it was not the wages we're paying people today. It was that we can't afford to have a work stoppage every three years. We can't afford to continue the rate of escalation of wages as we have in the past. You know, those are the overriding factors. And my bias was to stay here but we could not get those two issues done despite the best efforts of the Union and the best efforts of the company.

Microsoft Outlook

From: Kearney, Barry J.
Sent: Thursday, May 05, 2011 7:54 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Boeing - IAM press release
Attachments: 2011_05_04 Press Release.pdf; ATT00001..txt

Hooray for the red, white , and blue

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

From: rich ahearn [redacted] *Exemption 6 - Privacy*
Sent: Wednesday, May 04, 2011 9:35 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Subject: Fwd: IAM press release

FYI

Begin forwarded message:

Labor News

Contact: Connie Kelliher 206-764-0343 office, 206-755-8575 cell
Bryan Corliss 206-764-0357 office, 425-327-3512 cell



FOR IMMEDIATE RELEASE: May 4, 2011

Boeing Uses Clout to Block Federal Law Enforcement Action

The Boeing Company has long been a top spender in the Washington legislature to gain low tax rates and other corporate benefits. Now it is trying to use its clout in the other Washington to intimidate and coerce the federal agency investigating Boeing's unlawful retaliation against its workers in the Puget Sound.

On April 20, the National Labor Relations Board, which is charged with protecting workers' rights to engage in collective bargaining, issued a complaint against Boeing for retaliating against its workers who engaged in collective activity by moving part of their work on the new 787 Dreamliner to another state. Boeing publicly admitted that its primary motive was because of its workers' exercise of their rights.

Yesterday, in an unprecedented attack on a federal law enforcement agency, Boeing's top lawyer sent a 10-page public rant to the agency, attacking and demanding that the agency's law enforcement efforts be withdrawn. Such a letter is highly unusual, as it seeks to undermine the Agency's authority to perform its statutory duties. Typically, employers charged by the Agency make their defenses at a legal hearing, which has already been scheduled, and do not seek to take down the Agency itself.

Then, ten U.S. Senators friendly to Boeing's anti-worker message challenged the chief law enforcement officer of the agency. That public official, a 39-year career attorney at the agency with no ties to organized labor, is up for confirmation in the U.S. Senate later this year.

"In my 28 years of practicing labor law, I have never seen an employer use these types of overtly political tactics to avoid a legal proceeding," said David Campbell, IAM District 751 lawyer. "Rather than face the music at the June 14 hearing, the Boeing Company is apparently trying to kill the case politically. This tactic shows all too clearly how desperate the Company is to avoid litigating the merits of a case it knows it will lose."

The NLRB's case against Boeing rests upon Boeing's own admissions that it sought to avoid lawful collective activity in Washington state. While Boeing claims that it is free to take

whatever action it thinks may be necessary to avoid collective bargaining and strike activity, that is simply not the law. Just as the law prohibits discrimination against whistleblowers or workers who take family leave, America's laws protect workers who engage in collective activity.

This case presents a simple issue: Do big companies have to obey the law? If employers can retaliate against workers who exercise rights that are protected by law, then those rights will be gone. The NLRB's long-term professional Regional Staff, National Office of Advice and General Counsel reviewed this case for a year, found convincing merit, and issued a complaint. The hearing should continue according to its rules like any law enforcement process.

If, as Boeing claims, the case is frivolous, it will have the opportunity to present its argument before a judge on June 14 in Seattle. It can appeal the judge's decision to members of the National Labor Relations Board. If it is still unsatisfied, it can appeal to the federal courts.

Instead of following the rule of law, Boeing is using its tremendous political clout to try to stop the actions of an independent federal law enforcement agency. Such tactics might work in corrupt nations where money – not the law – rules, but should not here in America.

##

Microsoft Outlook

Subject: Boeing Company - Case 19-CA-32431

Location: General Counsel's Office

Start: Mon 10/18/2010 2:00 PM

End: Mon 10/18/2010 3:00 PM

Recurrence: (none)

Meeting Status: Accepted

Required Attendees: Bush, Lynn; Kearney, Barry J.; Farrell, Ellen; Szapiro, Miriam; Willen, Debra L; Baniszewski, Joseph; Sophir, Jayme; Havard, Fred C.

When: Monday, October 18, 2010 2:00 PM-3:00 PM (GMT-05:00) Eastern Time (US & Canada).

Where: General Counsel's Office

~~*~*~*~*~*~*~*

General Counsel Agenda!!

Microsoft Outlook

From: Kearney, Barry J.
Sent: Friday, October 22, 2010 4:39 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Higgins, John E.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Boeing

Hopefully we will hear Monday

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

From: Hankins, Richard [mailto:rhankins@mckennalong.com]
Sent: Friday, October 22, 2010 4:29 PM
To: Kearney, Barry J.
Subject: Boeing

Mr. Kearney,

I've conveyed your meeting request to Boeing representatives, and they are discussing it. I hope to let you know something on Monday. I hope that is okay with you.

Richard B. Hankins
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, Ga 30308
Tel: 404.527.8372 | Fax: 404.527.7088 | rhankins@mckennalong.com

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Microsoft Outlook

From: Willen, Debra L
Sent: Monday, November 08, 2010 10:31 AM
To: Szapiro, Miriam
Subject: Boeing Counsel

From Gibson, Dunn:
Bill Killberg
Paul Blankenstein (ERISA atty)
Matt McGill (Supreme Court litigator)
Chris Martin (by phone from California)

From Atlanta:
Richard Hankins

From Boeing:
Bryan Paumeister (by phone)

Microsoft Outlook

From: Szapiro, Miriam
Sent: Monday, November 08, 2010 10:32 AM
To: Willen, Debra L
Subject: RE: Boeing Counsel

Supreme Court litigator – they're not trying to impress, are they?

From: Willen, Debra L
Sent: Monday, November 08, 2010 10:31 AM
To: Szapiro, Miriam
Subject: Boeing Counsel

From Gibson, Dunn:
Bill Killberg
Paul Blankenstein (ERISA atty)
Matt McGill (Supreme Court litigator)
Chris Martin (by phone from California)

From Atlanta:
Richard Hankins

From Boeing:
Bryan Paumeister (by phone)

Microsoft Outlook

From: Szapiro, Miriam
Sent: Tuesday, November 09, 2010 7:52 PM
To: Farrell, Ellen
Subject: Accepted: Discuss Boeing before meeting w/ Co.

Microsoft Outlook

From: Willen, Debra L
Sent: Wednesday, November 10, 2010 7:58 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: FW: latest news re Boeing 787

From: Omberg, Bob
Sent: Tuesday, November 09, 2010 8:16 PM
To: Willen, Debra L
Subject: latest news re Boeing 787

http://seattletimes.nwsources.com/html/business/technology/2013387936_787emergency10.html?prmid=related_stories_section

Microsoft Outlook

From: Kearney, Barry J.
Sent: Monday, November 15, 2010 2:27 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L; Ahearn, Richard L.; Omberg, Bob; Katz, Judy
Subject: Boeing

Talked to Kilberg and Boeing can't make the dates I gave him because of the airplane fire. It is now scheduled for Monday December 13 @ 2:00pm. Kilberg also apologized for the boorish behavior of his client.

Microsoft Outlook

From: Szapiro, Miriam
Sent: Wednesday, January 19, 2011 9:20 AM
To: Trafton, Catherine J.
Subject: mtgs today

Hi Catherine, as I think I mentioned, I'm tied up much of the day w/ Boeing meetings. Aaron is here if you have any questions, and any of the attorneys are good sources. You can also email me or drop a note on my desk, because I'll be in and out.

Miriam

Tracking:

Recipient

Trafton, Catherine J.

Read

Read: 1/19/2011 9:24 AM

Microsoft Outlook

From: Trafton, Catherine J.
Sent: Wednesday, January 19, 2011 9:25 AM
To: Szapiro, Miriam
Subject: RE: mtgs today

Okay. Thanks.

From: Szapiro, Miriam
Sent: Wednesday, January 19, 2011 9:20 AM
To: Trafton, Catherine J.
Subject: mtgs today

Hi Catherine, as I think I mentioned, I'm tied up much of the day w/ Boeing meetings. Aaron is here if you have any questions, and any of the attorneys are good sources. You can also email me or drop a note on my desk, because I'll be in and out.

Miriam

Microsoft Outlook

From: Trafton, Catherine J.
Sent: Wednesday, January 19, 2011 1:00 PM
To: Szapiro, Miriam
Subject: RE: mtgs today

Hi Miriam,

I had a question about parking. I'd like to find out about availability and cost of parking at the building, but I don't know who to call. I tried the number listed in the materials that I got yesterday from HR, but it was not the right number. Do you know who I should contact? Also, I did get my badge taken care of, so I can get into the office on my own now!

Catherine

From: Szapiro, Miriam
Sent: Wednesday, January 19, 2011 9:20 AM
To: Trafton, Catherine J.
Subject: mtgs today

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Miriam

Microsoft Outlook

From: Szapiro, Miriam
Sent: Wednesday, January 19, 2011 1:04 PM
To: Trafton, Catherine J.
Subject: RE: mtgs today

Hi Catherine, daily parking is \$12 if you get in by 10(?), but it's a bit cheaper by the week. The lot is open until 7 w/out a monthly pass. They just recently changed owners to Lincoln Park or something; I'll forward you an email that gives you a contact, even though it's about repairs they're doing. BTW a few people do monthly, including Elinor Merberg and, I think, Kayce Compton, if you want to ask them about it. I do it by the day because it makes me feel less guilty ☺

Miriam Szapiro
Supervisory attorney
NLRB Division of Advice
202-273-0998
Miriam.Szapiro@nrlb.gov

From: Trafton, Catherine J.
Sent: Wednesday, January 19, 2011 1:00 PM
To: Szapiro, Miriam
Subject: RE: mtgs today

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Catherine

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To: Trafton, Catherine J.
Subject: mtgs today

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Miriam

Tracking:

Recipient

Trafton, Catherine J.

Read

Read: 1/19/2011 1:06 PM

Microsoft Outlook

From: Trafton, Catherine J.
Sent: Wednesday, January 19, 2011 1:08 PM
To: Szapiro, Miriam
Subject: RE: mtgs today

Thanks!

From: Szapiro, Miriam
Sent: Wednesday, January 19, 2011 1:04 PM
To: Trafton, Catherine J.
Subject: RE: mtgs today

Hi Catherine, daily parking is \$12 if you get in by 10(?), but it's a bit cheaper by the week. The lot is open until 7 w/out a monthly pass. They just recently changed owners to Lincoln Park or something; I'll forward you an email that gives you a contact, even though it's about repairs they're doing. BTW a few people do monthly, including Elinor Merberg and, I think, Kayce Compton, if you want to ask them about it. I do it by the day because it makes me feel less guilty ☺

Miriam Szapiro
Supervisory attorney
NLRB Division of Advice
202-273-0998
Miriam.Szapiro@nrlb.gov

From: Trafton, Catherine J.
Sent: Wednesday, January 19, 2011 1:00 PM
To: Szapiro, Miriam
Subject: RE: mtgs today

Hi Miriam,

I had a question about parking. I'd like to find out about availability and cost of parking at the building, but I don't know who to call. I tried the number listed in the materials that I got yesterday from HR, but it was not the right number. Do you know who I should contact? Also, I did get my badge taken care of, so I can get into the office on my own now!

Catherine

From: Szapiro, Miriam
Sent: Wednesday, January 19, 2011 9:20 AM
To: Trafton, Catherine J.
Subject: mtgs today

Hi Catherine, as I think I mentioned, I'm tied up much of the day w/ Boeing meetings. Aaron is here if you have any questions, and any of the attorneys are good sources. You can also email me or drop a note on my desk, because I'll be in and out.

Miriam

Microsoft Outlook

From: Omberg, Bob
Sent: Friday, January 21, 2011 9:38 AM
To: Kearney, Barry J.; Farrell, Ellen; Katz, Judy; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Cc: Ahearn, Richard L.
Subject: Boeing Dreamliner Delays

http://www.dailyfinance.com/story/investing/boeings-dreamliner-delays-outsourcing-goes-too-far/19808894/?icid=maing%7Cmain5%7Cd14%7Csec1_Ink1%7C37972

Microsoft Outlook

From: Colangelo, David (Advice)
Sent: Tuesday, January 25, 2011 12:24 PM
To: Willen, Debra L; Szapiro, Miriam
Subject: Union sues over Haley's remarks about Boeing plant - Omaha.com

<http://www.omaha.com/article/20110121/AP05/301219989/-1>

In case you didn't see this...
David

Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, March 10, 2011 3:10 PM
To: Szapiro, Miriam
Subject: latest on Boeing

Call me when you have a minute.

Microsoft Outlook

From: Farrell, Ellen
Sent: Wednesday, April 20, 2011 12:28 PM
To: Sophir, Jayme; Willen, Debra L; Szapiro, Miriam
Subject: FW: Boeing Complaint
Attachments: CPT.19-CA-032431.Boeing 4-20-2011 Complaint and Not Hrg.pdf

From: Ahearn, Richard L.
Sent: Wednesday, April 20, 2011 12:04 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen
Subject: Boeing Complaint

Signed and sent to the attorneys for Boeing and the IAM.
Rich

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19

THE BOEING COMPANY

and

Case 19-CA-32431

INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS
DISTRICT LODGE 751, affiliated with
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS

COMPLAINT AND NOTICE OF HEARING

International Association of Machinists and Aerospace Workers District Lodge No. 751 ("Local 751" or the "Union"), affiliated with International Association of Machinists and Aerospace Workers ("IAM"), has charged in Case 19-CA-32431 that The Boeing Company ("Respondent" or "Boeing"), has been engaging in unfair labor practices as set forth in the National Labor Relations Act (the "Act"), 29 U.S.C. § 151 *et seq.*

Based thereon, the Acting General Counsel of the National Labor Relations Board (the "Board"), by the undersigned, pursuant to § 10(b) of the Act and § 102.15 of the Board's Rules and Regulations, issues this Complaint and Notice of Hearing and alleges as follows:

1.

The Charge was filed by the Union on March 26, 2010, and was served on Respondent by regular mail on or about March 29, 2010.

2.

(a) Respondent, a State of Delaware corporation with its headquarters in Chicago, Illinois, manufactures and produces military and commercial aircraft at various facilities throughout the United States, including in Everett, Washington (the "facility"), and others in the Seattle, Washington, and Portland, Oregon, metropolitan areas.

(b) Respondent, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), derived gross revenues in excess of \$500,000.

(c) Respondent, during the past twelve months, which period is representative of all material times, in conducting its business operations described above in paragraph 2(a), both sold and shipped from, and purchased and received at, the facility goods valued in excess of \$50,000 directly to and from points outside the State of Washington.

(d) Respondent has been at all material times an employer engaged in commerce within the meaning of §§ 2(2), (6) and (7) of the Act.

3.

The Union is, and has been at all material times, a labor organization within the meaning of § 2(5) of the Act.

4.

At all material times the following individuals held the positions set forth opposite their respective names and have been supervisors within the meaning of

§ 2(11) of the Act, and/or agents within the meaning of § 2(13) of the Act, acting on behalf of Respondent:

Jim Albaugh	—	Executive Vice President, Boeing; President and CEO of Integrated Defense Systems (until late August 2009); CEO, Boeing Commercial Airplanes (as of late August 2009)
Scott Carson	—	Executive Vice President, Boeing; CEO, Boeing Commercial Airplanes (until late August 2009)
Ray Conner	—	Vice President and General Manager of Supply Chain Management and Operations, Boeing Commercial Airplanes
Scott Fancher	—	Vice President and General Manager of the 787 Program
Fred Kiga	—	Vice President, Government and Community Relations
Doug Kight	—	Vice President, Human Resources, Boeing Commercial Airplanes
Jim McNerney	—	President, Chairman, and CEO
Jim Proulx	—	Boeing spokesman
Pat Shanahan	—	Vice President and General Manager of Airplane Programs
Gene Woloshyn	—	Vice President, Employee Relations

5.

(a) Those employees of Respondent enumerated in Section 1.1(a) of the collective bargaining agreement described below in paragraph 5(c), including, *inter alia*, all production and maintenance employees in Washington State, constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act (the “Puget Sound Unit”).

(b) Those employees of Respondent enumerated in Section 1.1(c) of the collective bargaining agreement described below in paragraph 5(c), including, *inter*

alia, all production and maintenance employees in the Portland, Oregon area, constitute a unit appropriate for the purposes of collective bargaining within the meaning of § 9(b) of the Act (the "Portland Unit").

(c) Since at least 1975 and at all material times, the IAM has been the designated exclusive collective bargaining representative of the Puget Sound Unit and the Portland Unit (collectively, the "Unit") and recognized as such representative by Respondent. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from November 2, 2008, to September 8, 2012.

(d) Since 1975, during the course of the parties' collective-bargaining relationship, the IAM engaged in strikes in 1977, 1989, 1995, 2005, and 2008.

6.

On or about the dates and by the manner noted below, Respondent made coercive statements to its employees that it would remove or had removed work from the Unit because employees had struck and Respondent threatened or impliedly threatened that the Unit would lose additional work in the event of future strikes:

(a) October 21, 2009, by McNerney in a quarterly earnings conference call that was posted on Boeing's intranet website for all employees and reported in the Seattle Post Intelligencer Aerospace News and quoted in the Seattle Times, made an extended statement regarding "diversifying [Respondent's] labor pool and labor relationship," and moving the 787 Dreamliner work to South Carolina due to "strikes happening every three to four years in Puget Sound."

(b) October 28, 2009, based on its October 28, 2009, memorandum entitled "787 Second Line, Questions and Answers for Managers," informed employees, among other things, that its decision to locate the second 787 Dreamliner line in South Carolina was made in order to reduce Respondent's vulnerability to delivery disruptions caused by work stoppages.

(c) December 7, 2009, by Conner and Proulx in an article appearing in the Seattle Times, attributed Respondent's 787 Dreamliner production decision to use a "dual-sourcing" system and to contract with separate suppliers for the South Carolina line to past Unit strikes.

(d) December 8, 2009, by Conner in an article appearing in the Puget Sound Business Journal, attributed Respondent's 787 Dreamliner production decision to use a "dual-sourcing" system and to contract with separate suppliers for the South Carolina line to past Unit strikes.

(e) March 2, 2010, by Albaugh in a video-taped interview with a Seattle Times reporter, stated that Respondent decided to locate its 787 Dreamliner second line in South Carolina because of past Unit strikes, and threatened the loss of future Unit work opportunities because of such strikes.

7.

(a) In or about October 2009, on a date better known to Respondent, but no later than October 28, 2009, Respondent decided to transfer its second 787 Dreamliner production line of 3 planes per month from the Unit to its non-union site in North Charleston, South Carolina.

(b) Respondent engaged in the conduct described above in paragraph 7(a) because the Unit employees assisted and/or supported the Union by, *inter alia*, engaging in the protected, concerted activity of lawful strikes and to discourage these and/or other employees from engaging in these or other union and/or protected, concerted activities.

(c) Respondent's conduct described above in paragraph 7(a), combined with the conduct described above in paragraph 6, is also inherently destructive of the rights guaranteed employees by § 7 of the Act.

8.

(a) In or about October 2009, on a date better known to Respondent, but no later than December 3, 2009, Respondent decided to transfer a sourcing supply program for its 787 Dreamliner production line from the Unit to its non-union facility in North Charleston, South Carolina, or to subcontractors.

(b) Respondent engaged in the conduct described above in paragraph 8(a) because the Unit employees assisted and/or supported the Union by, *inter alia*, engaging in the protected, concerted activity of lawful strikes and to discourage these and/or other employees from engaging in these or other union and/or protected, concerted activities.

(c) Respondent's conduct described above in paragraph 8(a), combined with the conduct described above in paragraphs 6 and 7(a), is also inherently destructive of the rights guaranteed employees by § 7 of the Act.

9.

By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in § 7 of the Act in violation of § 8(a)(1) of the Act.

10.

By the conduct described above in paragraphs 7 and 8, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of §§ 8(a)(3) and (1) of the Act.

11.

By the conduct described above in paragraphs 6 through 10, Respondent has engaged in unfair labor practices affecting commerce within the meaning of §§ 2(6) and (7) of the Act.

12.

As part of the remedy for the unfair labor practices alleged herein, the Acting General Counsel seeks an Order requiring either that one of the high level officials of Respondent alleged to have committed the violations enumerated above in paragraph 6 read, or that a designated Board agent read in the presence of a high level Boeing official, any notice that issues in this matter, and requiring Respondent to broadcast such reading on Respondent's intranet to all employees.

13.

(a) As part of the remedy for the unfair labor practices alleged above in paragraphs 7 and 8, the Acting General Counsel seeks an Order requiring Respondent

to have the Unit operate its second line of 787 Dreamliner aircraft assembly production in the State of Washington, utilizing supply lines maintained by the Unit in the Seattle, Washington, and Portland, Oregon, area facilities.

(b) Other than as set forth in paragraph 13(a) above, the relief requested by the Acting General Counsel does not seek to prohibit Respondent from making non-discriminatory decisions with respect to where work will be performed, including non-discriminatory decisions with respect to work at its North Charleston, South Carolina, facility.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to §§ 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to this Complaint. The answer must be **received by this office on or before May 4, 2011, or postmarked on or before May 3, 2011.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at **www.nlrb.gov**, click on ***File Case Documents***, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due

date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See § 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the document need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of § 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find, pursuant to Motion for Default Judgment, that the allegations in this Complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on the **14th day of June, 2011, at 9:00 a.m.**, in **James C. Sand Hearing Room, 2966 Jackson Federal Building, 915 Second Avenue, Seattle, Washington**, and on consecutive days thereafter until concluded, a hearing will be conducted before an Administrative Law Judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in

this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED at Seattle, Washington, this 20th day of April, 2011.

A handwritten signature in cursive script, reading "Richard L. Ahearn", written in black ink. The signature is positioned above a horizontal line.

Richard L. Ahearn, Regional Director
National Labor Relations Board, Region 19
2948 Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1078

Microsoft Outlook

From: Szapiro, Miriam
Sent: Thursday, April 21, 2011 7:58 AM
To: Miriam - Szapiro

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nlr-complaint-over-boeing-south-carolina-move>

Miriam Szapiro
Supervisory attorney
NLRB Division of Advice
202-273-0998
Miriam.Szapiro@nlrb.gov

Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, April 21, 2011 8:35 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: NY Times coverage

New York Times

April 20, 2011

Labor Board Tells Boeing New Factory Breaks Law

By [STEVEN GREENHOUSE](#)

In what may be the strongest signal yet of the new pro-labor orientation of the [National Labor Relations Board](#) under [President Obama](#), the agency filed a complaint Wednesday seeking to force [Boeing](#) to bring an airplane production line back to its unionized facilities in Washington State instead of moving the work to a nonunion plant in South Carolina.

[In its complaint](#), the labor board said that Boeing's decision to transfer a second production line for its new [787 Dreamliner](#) passenger plane to South Carolina was motivated by an unlawful desire to retaliate against union workers for their past strikes in Washington and to discourage future strikes. The agency's acting general counsel, Lafe Solomon, said it was illegal for companies to take actions in retaliation against workers for exercising the right to strike.

Although manufacturers have long moved plants to nonunion states, the board noted that Boeing officials had, in internal documents and news interviews, specifically cited the strikes and potential future strikes as a reason for their 2009 decision to expand in South Carolina.

Boeing said it would "vigorously contest" the labor board's complaint. "This claim is legally frivolous and represents a radical departure from both N.L.R.B. and [Supreme Court](#) precedent," said J. Michael Luttig, a Boeing executive vice president and its general counsel. "Boeing has every right under both federal law and its collective bargaining agreement to build additional U.S. production capacity outside of the Puget Sound region."

It is highly unusual for the federal government to seek to reverse a corporate decision as important as the location of plant.

But ever since a Democratic majority took control of the five-member board after Mr. Obama's election, the board has signaled that it would seek to adopt a more liberal, pro-union tilt after years of pro-employer decisions under President Bush.

Although the board has not yet issued many major decisions reversing Bush-era policies, it has begun requiring private sector employers to post a notice about workers' right to unionize, and Mr. Solomon has begun moving more aggressively to win reinstatement of union supporters fired illegally by management during unionization drives.

In a statement Wednesday, Mr. Solomon said: “A worker’s right to strike is a fundamental right guaranteed by the National Labor Relations Act. We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law.”

South Carolina’s two senators, both Republicans, [Lindsey Graham](#) and [Jim DeMint](#), denounced the board’s move. “This is nothing more than a political favor for the unions who are supporting President Obama’s re-election campaign,” Mr. DeMint said.

The labor board said that in 2007, Boeing announced plans to create a second production line that would make three 787 Dreamliner planes a month in the Puget Sound area to address a growing backlog of orders. That was to be in addition to a line already making seven Dreamliners a month there. In October 2009, Boeing said it would locate its second line at a new, nonunion plant in South Carolina.

The N.L.R.B. asserted that on numerous occasions Boeing officials had communicated an unlawful motive for transferring the production line, including an interview with The Seattle Times in which a Boeing executive said, “The overriding factor was not the business climate. And it was not the wages we’re paying today. It was that we cannot afford to have a work stoppage, you know, every three years.”

Mr. Solomon brought the complaint after a union representing many of Boeing’s Washington workers, the [International Association of Machinists and Aerospace Workers](#), complained that Boeing had decided to move production to South Carolina largely in retaliation for a 58-day strike in 2008.

“Boeing’s decision to build a 787 assembly line in South Carolina sent a message that Boeing workers would suffer financial harm for exercising their collective bargaining rights,” said the union’s vice president, Rich Michalski.

Mr. Solomon said that if he failed to settle the dispute, an administrative judge would begin hearing the case on June 14 in Seattle. Mr. Solomon said he was not seeking to close the South Carolina factory or prohibit Boeing from assembling planes there.

Boeing criticized the timing of the N.L.R.B.’s complaint, saying it came when construction of the factory in North Charleston, S.C., was nearly complete and after 1,000 employees had already been hired there.

Boeing said on Wednesday that none of the production jobs in South Carolina had come at the expense of jobs in Washington. It noted that its unionized employment in the Puget Sound area had increased by 2,000 since it announced its decision to expand in South Carolina.

The company also said it had decided to expand in South Carolina in part to protect business continuity and to reduce the damage to its finances and reputation from future work stoppages.

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From: Willen, Debra L
Sent: Thursday, April 21, 2011 8:36 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam
Subject: today's wsj coverage
Attachments: image001.jpg

Wall Street Journal April 21, 2011

Boeing to Fight Order to Move 787
By [MELANIE TROTTMAN](#)

The National Labor Relations Board Wednesday said aircraft maker [Boeing](#) Co. violated federal labor law by building a second production line for its 787 Dreamliner at a non-union factory in South Carolina, siding with union workers in Washington State who charged the decision was retaliation for their past strikes.

The Chicago company called the NLRB's complaint "legally frivolous" and a "radical departure" from precedents. It said it will fight the complaint, which was sought by the International Association of Machinists and Aerospace Workers union.

The NLRB's action comes amid a broad conflict over the role of unions in the economy. Unions have responded to setbacks in the 2010 elections, which put Republicans in charge of the U.S. House of Representatives and in state houses around the country, by pressing the Obama administration and the majority Democrat NLRB to favor union positions.

President Barack Obama also has been trying to cultivate business leaders by promising to review and possibly roll back regulation, and doing more to help U.S. companies boost exports. Boeing is a big U.S. exporter.

[View Full Image](#)



Agence France-Presse/Getty Images

Boeing plans to build the 787 Dreamliner, shown above in Washington state in March, at a non-union plant.

NLRB Acting General Counsel Lafe Solomon said that in repeated statements to employees and the media, Boeing executives cited the unionized employees' past strike activity and the possibility of future strikes as the overriding factors in deciding to locate the second production line at the nonunion facility. The comments were coercive and motivated by a desire to retaliate against workers for past strikes, while attempting to discourage future strike activity, the agency charged.

"A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Mr. Solomon said in a statement. "We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law."

Mr. Solomon proposed a board order that would require Boeing to operate the second production line in Washington State. Boeing said it is scheduled to begin assembling planes in July at the South Carolina facility, where more than 1,000 new workers have been hired.

John Raudabaugh, a former NLRB Republican member who represents companies for Washington, D.C., law firm Nixon Peabody LLP, said Boeing executives should have been more measured with their words. "I think it's unfortunate if they said it the way it has been reported," he said. "They should have offered up a cost-related explanation," Mr. Raudabaugh said.

Sen. Lindsey Graham (R., S.C.) attacked the NLRB in a statement, saying that if the board's action is upheld it would "allow unions to hold a virtual 'veto' over business decisions." Mr. Graham said the NLRB is trying to punish states such as South Carolina where unions are relatively weak, and he said he'd seek legislation to cut off funding for "this wild goose chase."

Joe Trauger, a vice president at the National Association of Manufacturers, said the NLRB's decision sends a message that companies with union representation can't expand in right-to-work states. If the complaint succeeds "no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," he said.

The board is reversing decades of its own precedent and Supreme Court rulings to "advance its agenda to expand unionization," Mr. Trauger said. "If the IAM and NLRB succeed in their complaint, no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," Mr. Trauger said. IAM Vice President Rich Michalski, whose union represents more than 35,000 Boeing workers, praised the decision, saying Boeing "needs to rethink its strategy of repeatedly alienating its most valuable asset: the highly-skilled workers who build Boeing aircraft."

The NLRB said it plans to hold a hearing June 14 before an NLRB administrative judge in Seattle "absent a settlement between the two parties."

Boeing said it held "extensive" talks with the Machinists about potentially placing the additional production in Washington. But that failed amid demands "that would have hampered the company's competitiveness in the increasingly competitive global market for large commercial airplanes," the company said.

Boeing said the Machinists ultimately have suffered no job losses from the decision because the company has increased employment in the Puget Sound area by about 2,000 workers since deciding to expand in South Carolina in October 2009.

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From: Kearney, Barry J.
Sent: Thursday, April 21, 2011 2:46 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: seattletimes.com: NLRB ruling: A speed bump on the race to the bottom

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

From: Ahearn, Richard L.
Sent: Thursday, April 21, 2011 1:59 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.
Subject: seattletimes.com: NLRB ruling: A speed bump on the race to the bottom

NLRB ruling: A speed bump on the race to the bottom

Excuse me for not getting hysterical over the National Labor Relations Board ruling that Boeing violated federal labor law by building a second 787 line at a non-union plant in South Carolina to retaliate against union workers here for past strikes.

http://seattletimes.nwsources.com/html/soundeconomywithjontalton/2014835671_nlr_b_ruling_a_speed_bump_on_th.html

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From: Willen, Debra L
Sent: Tuesday, April 26, 2011 8:03 AM
To: Szapiro, Miriam; Sophir, Jayme
Subject: Boeing and the N.L.R.B. - NYTimes.com

http://www.nytimes.com/2011/04/26/opinion/26tue2.html?_r=1&adxnnl=1&partner=rssnyt&emc=rss&adxnnlx=1303819217-gvLft3yEJ9BQsz6F7r/iOg

Microsoft Outlook

From: Farrell, Ellen
Sent: Tuesday, April 26, 2011 11:52 AM
To: Kearney, Barry J.; Willen, Debra L; Szapiro, Miriam; Sophir, Jayme; Ahearn, Richard L.
Subject: Emailing: Boeing and the N.L.R.B. - NYTimes.com.htm
Attachments: nytlogo110x16.gif; opinion_logo_large.png; imp.gif?client=ca-nytimes_display_html&event=noscript; ww_120x60_10k_np.gif; icon-newspaper.jpg; general_042611.jpg; nytimes.gif; Times_Limited_86x60.gif; some_promise_ADA_336x79.gif; moth_reverse.gif; moth_forward.gif; 26moth_mahjong-moth.jpg; 26moth-tier-moth.jpg; 26moth_opinionator-moth.jpg; 26moth_baltimore-moth.jpg; 26moth_house-moth.jpg; 4457a30eQ2F) jWgkQ25).0gQ25Vh0Q22aj.Q25UQ3CaQ7CyLWZyyyQ204yQ20Us6Q7CQ20Z; &t=2&s=2&ui=14971406&r=&u=www.nytimes.com/2011/04/26/opinion/26tue2.html?; nojavascript&WT.js=No&WT.tv=1.0.7; growl&posall=Left9&pos=Left9&query=qstring&keywords=?

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EDITORIAL

Boeing and the N.L.R.B.

Published: April 25, 2011

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It may be a difficult case to prove, but [the complaint](#) filed last month by the National Labor Relations Board against Boeing is a welcome effort to defend workers' right to collective bargaining.

The N.L.R.B. is accusing the company of setting up a nonunion production line in South Carolina to retaliate against unionized workers in Washington State for striking. [The board wants to force Boeing](#) to make all of its new Dreamliner jets in Washington, rather than make 30 percent of them at the new line in Charleston.

The case hinges on proving Boeing's intent. It is illegal to retaliate against workers for striking — there have been four strikes at the Washington facility since 1989 — or threaten workers in order to discourage strikes. But the company can decide to locate production in South Carolina because it makes business sense and may include "production stability" as a factor in its decision.

Boeing says it wants to diversify its assembly to make it less vulnerable to disruptions caused by potential future strikes. Further complicating the N.L.R.B.'s case, Boeing says opening the line in South Carolina will not lead to layoffs in Washington, where it is adding jobs, too.

The N.L.R.B.'s action lands squarely on an ambiguity in the nation's labor protections — which enshrine the right to collective bargaining yet allow companies ways to avoid it by going to another state.

Today, 1 out of 13 private sector workers is in a union, down from about 1 in 4 in the early 1970s. Many forces are contributing to this erosion, including globalization and the decline of manufacturing. But one important force is the flight of companies to “right-to-work” states where workers cannot be required to join a union. Currently, unionized workers nationally make 19 percent more than nonunion workers, on average.

The N.L.R.B.'s case rests on statements by Boeing officials that, it believes, prove retaliation. One Boeing executive told The Seattle Times that the main reason to put the new line in South Carolina was “that we cannot afford to have a work stoppage, you know, every three years.”

A hearing before an administrative law judge is scheduled for June. The judge's decision can be appealed to the full board, and the board's decision can be appealed in federal court. If the N.L.R.B.'s position is upheld, this case could draw some clearer lines on what businesses can and cannot do to avoid dealing with unions. At the very least, this case will shed light on the business strategies employed by a powerful company to resist unionization.

A version of this editorial appeared in print on April 26, 2011, on page A24 of the New York edition with the headline: Boeing and the N.L.R.B.: Is a move to South Carolina a way to avoid unions or retaliation against them?.

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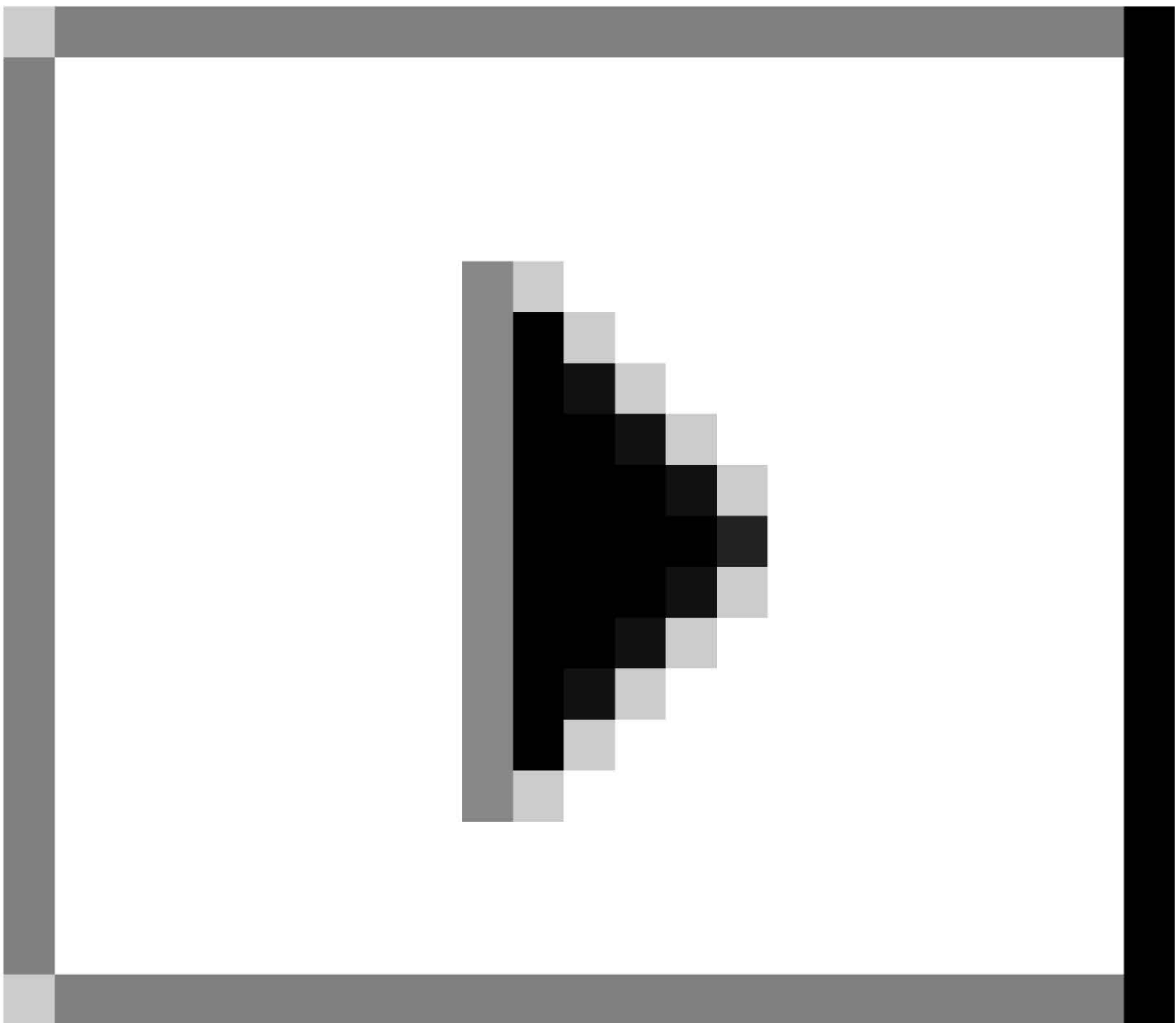


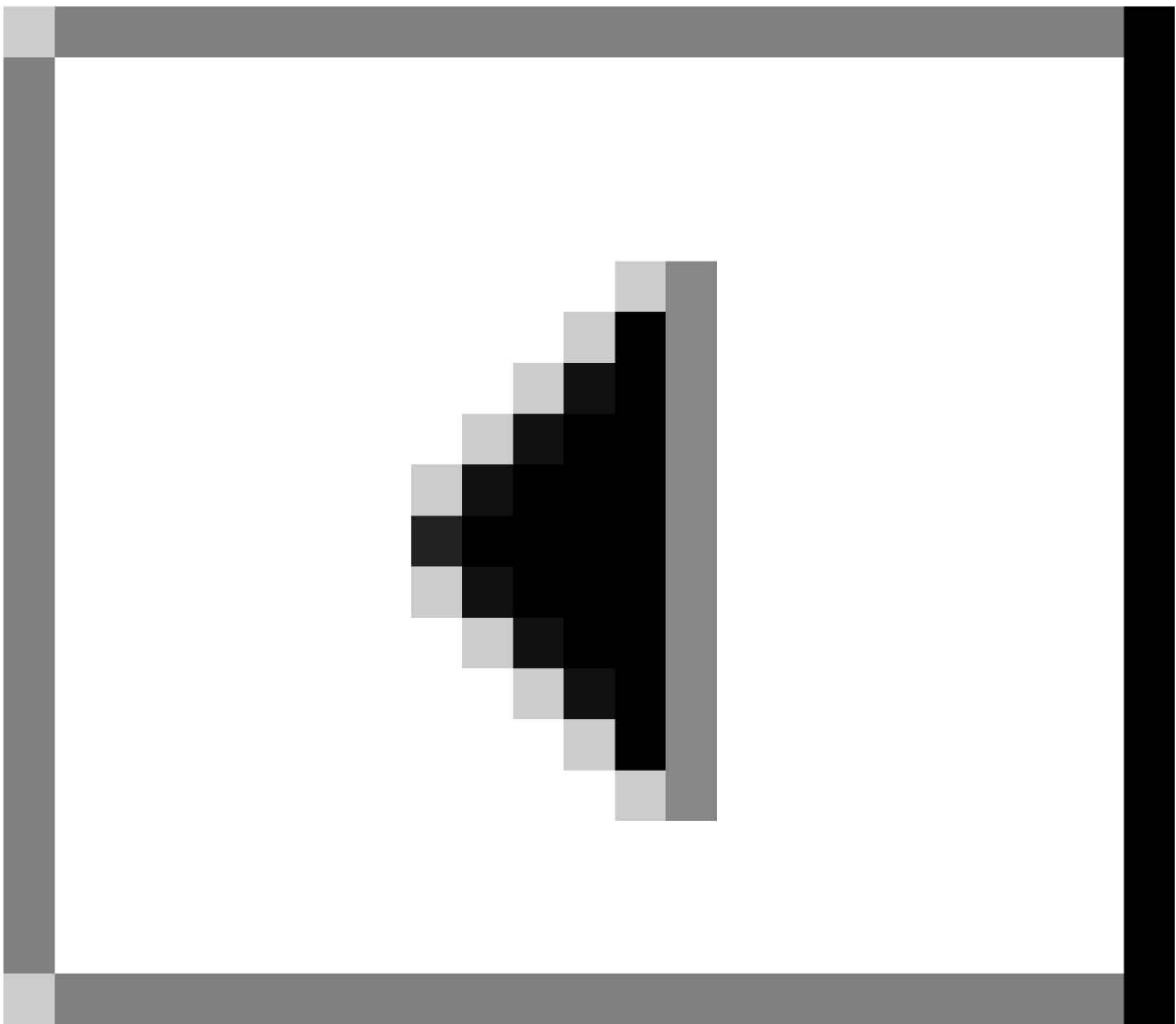












The New York Times

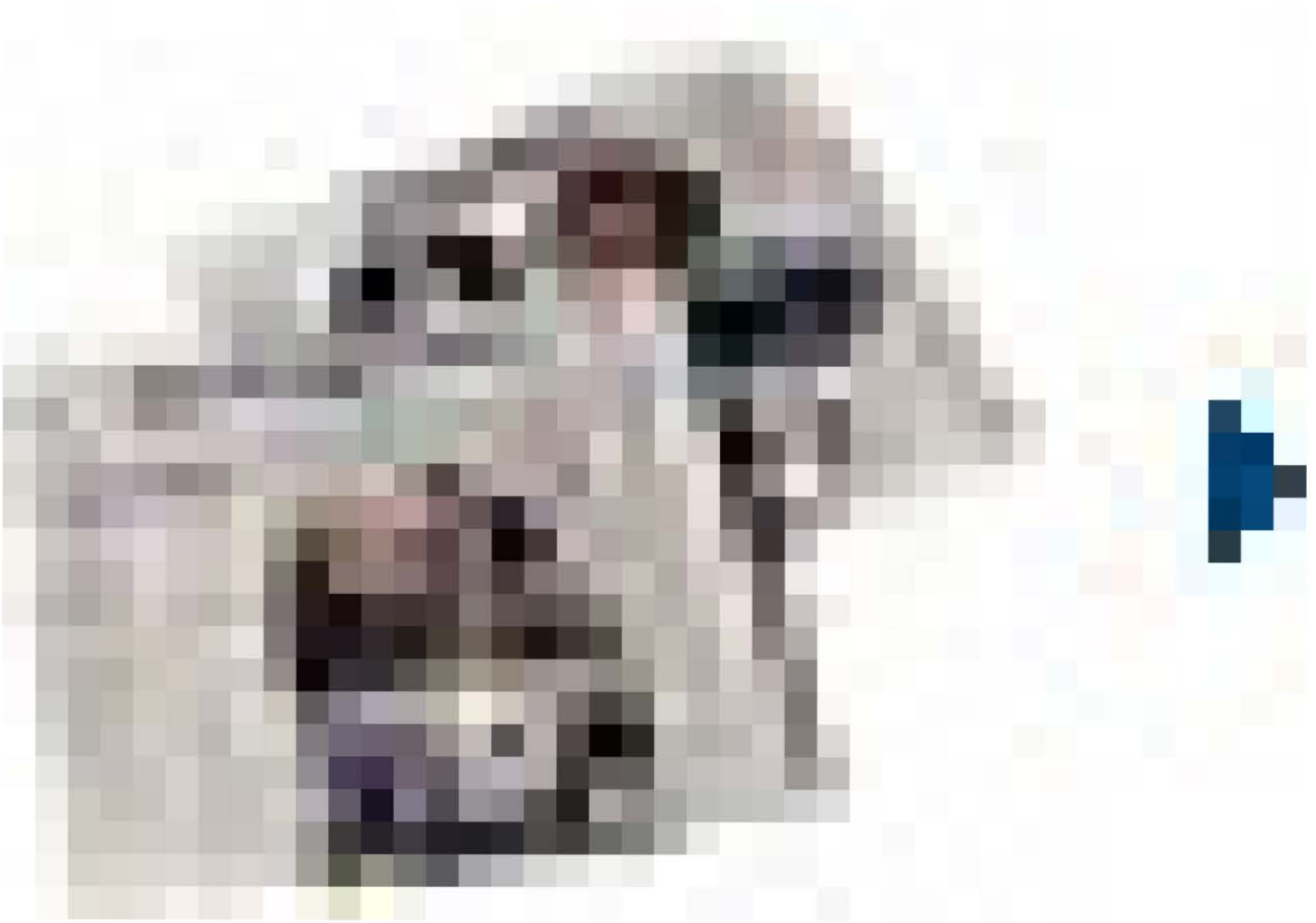
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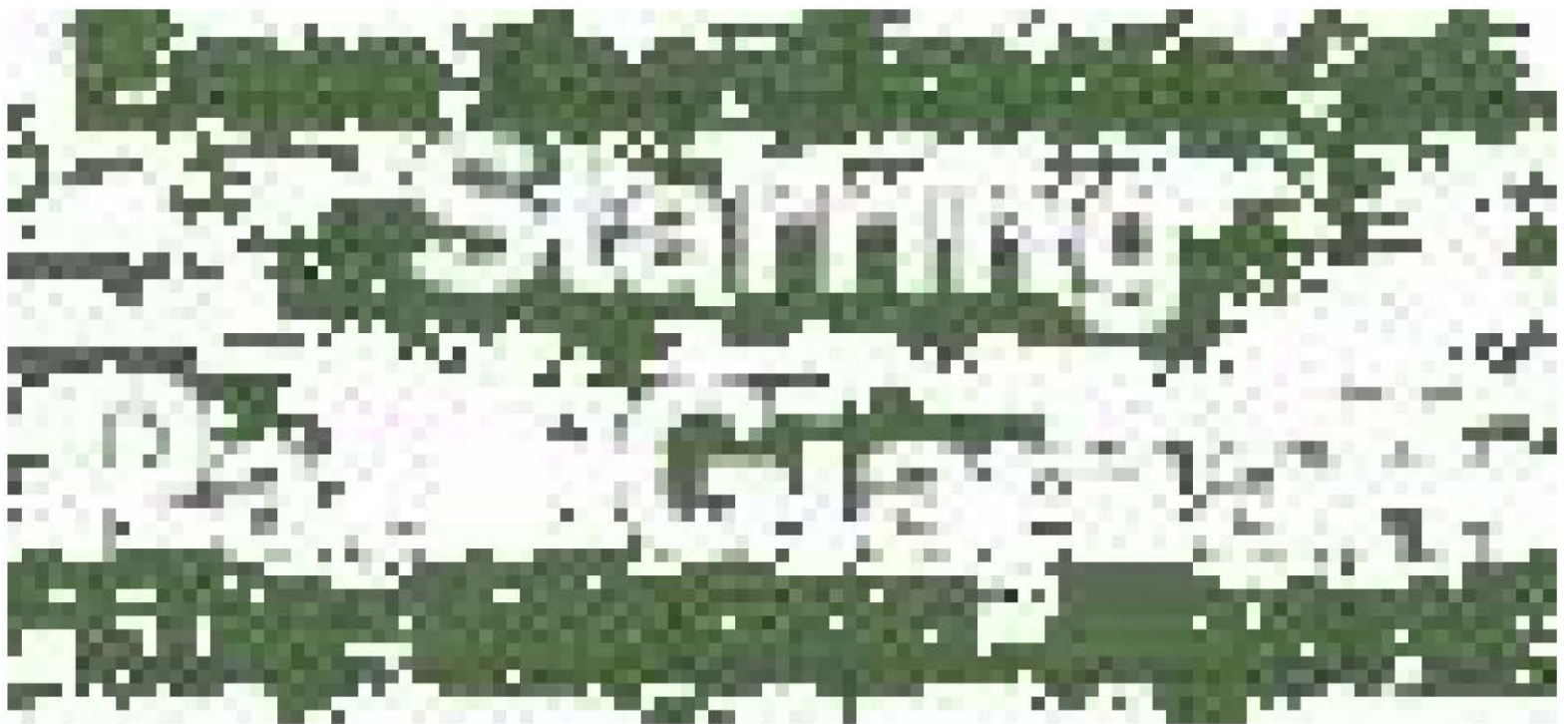
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The Opinion Pages

The New York Times

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From: Kearney, Barry J.
Sent: Tuesday, April 26, 2011 12:09 PM
To: Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: seattletimes.com: Boeing still struggling with 787

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

From: Ahearn, Richard L.
Sent: Tuesday, April 26, 2011 11:11 AM
To: Solomon, Lafe E.; Mattina, Celeste J.; Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen
Subject: FW: seattletimes.com: Boeing still struggling with 787

Boeing still struggling with 787

While Boeing may meet its deadline to deliver the first 787 to All Nippon Airways of Japan before Sept. 30, the production pace projected for 2011 appears out of reach.

http://seattletimes.nwsources.com/html/business/technology/2014875561_boeing26.html

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From: Szapiro, Miriam
Sent: Tuesday, April 26, 2011 4:17 PM
To: Trafton, Catherine J.
Subject: FW: Boeing and the N.L.R.B. - NYTimes.com

Miriam Szapiro
Supervisory attorney
NLRB Division of Advice
202-273-0998
Miriam.Szapiro@nlrb.gov

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

From: Willen, Debra L
Sent: Tuesday, April 26, 2011 8:03 AM
To: Szapiro, Miriam; Sophir, Jayme
Subject: Boeing and the N.L.R.B. - NYTimes.com

http://www.nytimes.com/2011/04/26/opinion/26tue2.html?_r=1&adxnnl=1&partner=rssnyt&emc=rss&adxnnlx=1303819217-gvLft3yEJ9BQsz6F7r/iOg

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Recipient

Trafton, Catherine J.

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Read: 4/26/2011 4:19 PM

Microsoft Outlook

From: Szapiro, Miriam
Sent: Wednesday, April 27, 2011 3:42 PM
To: Compton, Kayce R.; Willen, Debra L
Subject: RE: Legal News FYI

Haha well said

From: Compton, Kayce R.
Sent: Wednesday, April 27, 2011 2:44 PM
To: Willen, Debra L; Szapiro, Miriam
Subject: RE: Legal News FYI

Bout damn time.

From: Willen, Debra L
Sent: Wednesday, April 27, 2011 2:33 PM
To: Szapiro, Miriam; Compton, Kayce R.
Subject: FW: Legal News FYI

This is the best piece yet I think.

From: Baniszewski, Joseph
Sent: Wednesday, April 27, 2011 2:00 PM
To: Willen, Debra L
Subject: FW: Legal News FYI

It's the link below, Answer to Boeing's Labor Dispute,

Regards,

Joe

From: Martin, Andrew
Sent: Wednesday, April 27, 2011 8:35 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams,

Harold; Yaffe, Deborah; Zick, Lara S.

Subject: Legal News FYI

Raynor Resigns From Positions of President Of Workers United, SEIU International VP

Amid internal charges of allegedly misappropriating union funds through misleading expense reports, Bruce Raynor, president of the Workers United affiliate of the Service Employees International Union and international executive vice...

AFA, IAM Compete to Represent Flight Attendants at United Continental

CHICAGO—Flight attendants at United Continental Holdings Inc. will choose a single union to represent them in collective bargaining under voting procedures authorized by the National Mediation Board April 26....

RNs Threaten Short Strikes Next Week At Five Hospitals, Primarily Over Staffing

Affiliates of National Nurses United in the last few days have notified five hospitals in four states that their members plan to engage in strikes ranging from one day to five days, during the week beginning May 1....

NLRB's Weekly Summary of Cases, Dated April 18-22, 2011

The answer to Boeing's labor dispute

Washington Post – 04/26/11 00:23 –

Words matched: Lafe Solomon

For high-stakes legal drama, it doesn't get much bigger than last week's filing by the National Labor Relations Board charging that Boeing's decision to open a big new production facility in union-phobic South Carolina was motivated by a desire to punish and intimidate the strike-prone union at its

*...based on the complaint filed by the International Association of Machinists . **Lafe Solomon**, the acting general counsel who made the decision, is...*

Lawmakers support Backus nurses' union right

Norwich Bulletin (AP) – 04/26/11 23:17 –

Words matched: National Labor Relations Act

Ten state legislators recently signed a letter calling for The William W. Backus Hospital's management to remain neutral as nurses decide on joining a union.

*...open letter on the importance of neutrality, begins by quoting the **National Labor Relations Act** regarding the right to self-organize and bargain...*

Ex-Labor Board Chairman: Union-Backed Case Against Boeing 'Unprecedented'

FoxNews.com – 04/26/11 00:09 –

Words matched: National Labor Relations Act

The former chairman of the National Labor Relations Board told FoxNews.com that a board attorney's bid to stop Boeing from opening a production line at a non-union site in South Carolina is "unprecedented" and could have serious implications for companies looking to expand.

*"A worker's right to strike is a fundamental right guaranteed by the **National Labor Relations Act**," Solomon said in a statement. "We also recognize..."*

Unionized BCBS Employees Locked Out

WNED NewsRoom – 04/26/11 17:10 –

Words matched: NLRB

BUFFALO (wned) - Unionized employees at Blue Cross/Blue Shield of WNY are on the outside looking in today. Nearly 400 members of Local 212 of the Office and Professional Employees International Union have been "locked out" of corporate offices on West Genesee St.

*...Cross/Blue Shield has filed two unfair labor practice charges with the **NLRB**. The union said it has numerous concerns including pay, job security ,*

Bremerton Ambulance workers turn down union

Kitsap Sun (AP) – 04/26/11 15:13 –

Words matched: National Labor Relations Board

BREMERTON — Bremerton Ambulance workers, voting for a second time, have turned down the prospect of union representation. The vote was 23 to 15, according to Kim Doyle, Bremerton Ambulance executive director.

*...International Association of EMTs and Paramedics filed an objection with the **National Labor Relations Board**, and a second vote was held. Bremerton...*

Andrew Martin
Librarian (Law)
National Labor Relations Board
1099 14th Street NW
Suite 800
Washington, DC 20570
(202) 273-3724
(202) 273-2906 fax
andrew.martin@nrlb.gov

Tracking:

Recipient

Compton, Kayce R.

Willen, Debra L

Read

Read: 4/27/2011 3:46 PM

Deleted: 4/27/2011 3:48 PM

Microsoft Outlook

From: Willen, Debra L
Sent: Tuesday, May 03, 2011 1:34 PM
To: Sophir, Jayme; Szapiro, Miriam
Subject: RE:

I've read Luttig's letter.

Exemption 5, 7(A)

From: Sophir, Jayme
Sent: Tuesday, May 03, 2011 12:14 PM
To: Willen, Debra L; Szapiro, Miriam
Subject: FW:

From: Solomon, Lafe E.
Sent: Tuesday, May 03, 2011 11:59 AM
To: Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Mattina, Celeste J.; Abruzzo, Jennifer; Ahearn, Richard L.; Garza, Jose
Subject: Fwd:

Sent from my mobile

Begin forwarded message:

From: "Luttig, Michael" <michael.luttig@boeing.com>
To: "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>

Microsoft Outlook

From: Szapiro, Miriam
Sent: Wednesday, May 04, 2011 2:55 PM
To: M. Szapiro personal add. - Exemption 6 - Privacy
Subject: FW: NLRB story
Attachments: TNR-Judis_5-26-11.pdf

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 2:48 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: NLRB story

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 2:40 PM
To: Solomon, Lafe E.; Ahearn, Richard L.; Kearney, Barry J.; Garza, Jose
Subject: FW: NLRB story

You might enjoy this one.

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov

Non-Responsive

symbolism is entirely to the point. The symbolism of this present raid says: History is not on bin Laden's side. History is on the side of democracy and freedom. History will not be deterred. Yes, we should ask ourselves: Does it make sense to speak about abstractions like "history"? Does the relentlessness of a man-hunt contain any deeper meanings at all? But there is an answer to these questions. The abstractions express a meaning if we choose to endow them with meaning. Ten years of relentless man-hunting suggest that we have chosen to do so.

Obama's speech on Sunday night was magnificent—although I wish he had mentioned the Iraq war, which, once we had overthrown Saddam, became a war directed largely against Al Qaeda, specifically the branch that was led by bin Laden's man in Mesopotamia, Abu Musab Al Zarqawi. The war against Zarqawi and

his movement became, for a while, a central front in the larger war between Al Qaeda's version of Islamism and America's version of liberal democracy.

But I am quibbling about the past. The president spoke eloquently enough about America's victory over bin Laden himself. The symbolism is unmistakable. The fantasy caliphate is not going to be created. The power of a democratic republic cannot be denied. That was the message. We are winning. Al Qaeda is losing. This is not just a matter of circumstance or luck. We have reason to bang our drums, and people all over the world, and especially in the Muslim world, have reason to respond with a feeling of hope for themselves and for everyone else. Or rather, we are right to believe this, and other people are right to believe likewise, so long as we continue to choose to be relentless.

PAUL BERMAN

Labor Intensive

The most radical thing the Obama administration has done.

ON APRIL 20, Lafe Solomon, the acting general counsel of the National Labor Relations Board (NLRB), issued a complaint against Boeing. Two years ago, the company had announced it was transferring the production of 2,000 airplanes from a unionized plant in Puget Sound, Washington, to a non-union plant outside Charleston, South Carolina. According to Solomon's complaint, what made this decision illegal was the company's motive. High-level Boeing officials had stated publicly that the move was being made in response to strikes—four over the previous two decades—led by the machinists' union at the Puget Sound facility. If Boeing had said the move was dictated by costs or by the weather, the NLRB would not have cried foul.

Forty or fifty years ago, these kinds of cases were common. Now, there are fewer of them—but not because companies are better-behaved. Ever since the Reagan administration, which crippled the NLRB, companies have been free to operate with impunity, moving plants or simply threatening to do so in order to quell organizing efforts. That's why Solomon's complaint, which might have gone unnoticed a generation ago, may be the most radical thing the Obama administration has done.

THE NLRB'S COMPLAINT has, predictably, provoked howls of outrage from

the Chamber of Commerce, the National Association of Manufacturers, and Boeing itself, which called it "legally frivolous." Nine Republican attorneys general have demanded that the NLRB withdraw the complaint, while others on the right have suggested darkly that the agency's real motives are political. "This is nothing more than a political favor for the unions who are supporting President Obama's reelection campaign," charged South Carolina Republican Senator Jim DeMint.

In fact, the President and the White House had nothing to do with the decision. As for Solomon, he is a 39-year civil servant with no history of labor militancy. His complaint stems from a fairly uncontroversial reading of the 1935 National Labor Relations Act (NLRA), and its subsequent interpretation by the courts, according to Karl Klare of Northeastern University's School of Law. Under the NLRA, employers are guilty of an "unfair labor practice" if they "interfere with, restrain, or coerce employees" in the exercise of their right to "form, join or assist labor organizations, to bargain collectively ... and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." That means it's illegal for a business to threaten or penalize workers for seeking to organize a union or going on strike.

According to Solomon's complaint, there is compelling evidence that Boeing did just that. Solomon cited five public statements by Boeing top executives

saying that they were transferring the jobs to South Carolina to avoid strikes. For instance, on October 21, 2009, Boeing CEO Jim McNerney posted a statement on the company's intranet, which is accessible to all employees, attributing the decision to "strikes happening every three or four years in Puget Sound." Such a comment can be seen as an attempt to interfere with the right to strike: It implies that if employees do so, they will lose work to non-unionized plants in other states.

Solomon's complaint is not a ruling, but is instead more akin to a criminal indictment, in that it merely seeks to establish whether there are reasonable grounds for believing an employer has committed an unfair labor practice. By that standard, the complaint is entirely fair. It sets in motion a trial by an administrative law judge in Seattle on June 14. The loser can appeal that decision to the NLRB, whose decision can in turn be appealed before a federal court.

If the case goes that far, Boeing stands a decent chance of prevailing. To win, the NLRB would need to show that Boeing executives intended their words to have a chilling effect on the machinists' rights—but sinister motives are notoriously difficult to prove, even when statements like those of McNerney are in the public record. Ultimately, the case's fate may rest with the political inclinations of the judges. In a 1982 case, *Weather Tamer v. NLRB*, judges on the generally conservative eleventh circuit threw out an NLRB ruling against an employer. The court had been presented with a record of a supervisor stating that if workers joined a union, the company would close the plant but ruled that this statement was not "sufficient to establish a motive to chill unionism."

BUSINESS GROUPS claim that if Boeing loses, no company will be free to hire or fire workers without second-guessing from the NLRB. But there's another, unstated, reason why Republicans and conservatives are so worried about this case. Since the passage of the Taft-Hartley law in 1947, which allowed states to pass right-to-work laws making union organization more difficult, the South and parts of the Rocky

Mountain and Prairie West have become a haven for private firms attempting to avoid unionization. That has had a profound political impact.

The popularity of New Deal liberalism—from the NLRA to Social Security,



ANTHONY RUSSO



Sderot "looks like a dump, but there's so much creativity here."

the minimum wage, and progressive taxation—was rooted in the unionized and primarily white working class of the North. That working class has been decimated by the movement of private manufacturing firms to non-union states and overseas. It has been supplanted politically by a private sector non-union working class more attuned to divisions of race and religion than of class. That, and the white Southern backlash to the civil rights movement, were major factors in the growth of a new Republican conservatism—and in America's tilt rightward over the last thirty years.

The Boeing case, then, isn't just about corporate prerogatives. It's also about the future of American politics. With Solomon's complaint, the NLRB has taken a small but definite step toward restoring an earlier America—one where politics wasn't dominated by the Chamber of Commerce or demagogues like Jim DeMint, and workers had rights that mattered.

JOHN B. JUDIS

Town and Country

Sderot and the future of Israel.

IN APRIL, the southern Israeli town of Sderot hosted its eighth annual French film festival, which was an achievement more impressive than it sounds. Sderot is a small town, and it is also a poor one; it has only 20,000 residents, many of them immigrants from former Soviet Asian republics.

But Sderot's biggest challenge may be the missiles. For the past ten years, not long after the beginning of the Second Intifada in 2000, Hamas has launched thousands of Qassam missiles over the border from Gaza, barely a mile away. Qassams are typically homemade—70 pounds of steel inserted with nails and bolts, as in the bombs used in suicide attacks. When a strike is imminent, a calm female voice announces over loudspeakers, "Color Red, Color Red," giving residents 15 seconds to run to one of the many shelters around town.

Some two-dozen residents of Sderot

and the surrounding area have been killed in attacks over the past decade, and hundreds have been wounded. But the rockets' true threat is their ability to terrorize. Much of Sderot's middle class has left. Thousands of residents have been treated for trauma; a generation of children suffers from stuttering and bed-wetting. Sderot, then, is Israel's nightmare—the anti-Tel Aviv. Here there is no pretending you can avoid the siege.

After the Gaza war of 2009, the assaults became less frequent, but missiles still fall intermittently. When that happens, the Sderot Cinematheque moves screenings to a smaller theater with thicker walls and a steel roof. Invariably, attendance declines, sometimes for days or even weeks. Still, Benny Cohen, the Cinematheque's director, insists on running the theater as though it were in Tel Aviv. For him, the Cinematheque is part of Sderot's battle for survival, and so he is constantly devising new projects and inviting foreign directors to town, such as the Coen brothers, who are coming to Israel for all of one day this month. His next big event is a film festival about peripheral areas around the world. "It's the only free festival in Israel," he says proudly. "You must come—it will be a real celebration."

SDEROT HAS LONG HAD a history of improbable cultural vitality. "It looks like a dump, but there's so much creativity here," says Laura Bialis, a documentary filmmaker from Los Angeles who moved to Sderot almost four years ago. "Every teenager I met seemed to want to be a rock singer or an actor." She decided to make a film about Sderot's rock musicians, and fell in love with one of them, Avi Vaknin, who proposed to her in an air raid shelter. "There wasn't a Qassam attack," she explains. "Avi was just being dramatic."

The guiding spirit of Sderot's rock scene is Chaim Uliel, whose band, Sfayim (Lips), brought Moroccan music into the mainstream in the late 1980s and nurtured a generation of local musicians. They went on to found bands like Tipex (White Out) and Knesiyat Hasechel (Cathedral of the Mind), which created a fusion between Western rock and Sephardic ethnic music. Don't just mimic Western trends, Uliel urged his protégés, take the music you know from the synagogue and the home.

Two years ago, however, Uliel left Sderot and moved to a town near Tel Aviv. The news was so shocking that the country's largest newspaper, *Yediot Aharonot*, devoted the cover of its weekend magazine to an interview with Uliel, "the

Microsoft Outlook

From: Szapiro, Miriam
Sent: Wednesday, May 04, 2011 2:56 PM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Willen, Debra L
Subject: RE: NLRB story

Yup, she's right

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 2:48 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: NLRB story

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 2:40 PM
To: Solomon, Lafe E.; Ahearn, Richard L.; Kearney, Barry J.; Garza, Jose
Subject: FW: NLRB story

You might enjoy this one.

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov



Non-Responsive

Microsoft Outlook

From: Willen, Debra L
Sent: Wednesday, May 04, 2011 3:02 PM
To: Szapiro, Miriam; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme
Subject: RE: NLRB story

Great story -- is Nancy or Barry responsible for this one?

From: Szapiro, Miriam
Sent: Wednesday, May 04, 2011 2:56 PM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Willen, Debra L
Subject: RE: NLRB story

Yup, she's right

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 2:48 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: NLRB story

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 2:40 PM
To: Solomon, Lafe E.; Ahearn, Richard L.; Kearney, Barry J.; Garza, Jose
Subject: FW: NLRB story

You might enjoy this one.

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov

Non-Responsive

Microsoft Outlook

From: Willen, Debra L
Sent: Wednesday, May 04, 2011 3:03 PM
To: Szapiro, Miriam
Subject: RE: NLRB story

yay us!! (and I thought what we were doing was fairly meaningless after the 10(j) got dropped).

From: Szapiro, Miriam
Sent: Wednesday, May 04, 2011 2:56 PM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Willen, Debra L
Subject: RE: NLRB story

Yup, she's right

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 2:48 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: NLRB story

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 2:40 PM
To: Solomon, Lafe E.; Ahearn, Richard L.; Kearney, Barry J.; Garza, Jose
Subject: FW: NLRB story

You might enjoy this one.

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov

Non-Responsive

Microsoft Outlook

From: Szapiro, Miriam
Sent: Wednesday, May 04, 2011 3:15 PM
To: Willen, Debra L
Subject: RE: NLRB story

I know - it's like being on a roller coaster. I feel like I'm having an out-of-body experience. Could this really matter? I hope so.

From: Willen, Debra L
Sent: Wednesday, May 04, 2011 3:02 PM
To: Szapiro, Miriam
Subject: RE: NLRB story

yay us!! (and I thought what we were doing was fairly meaningless after the 10(j) got dropped).

From: Szapiro, Miriam
Sent: Wednesday, May 04, 2011 2:56 PM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Willen, Debra L
Subject: RE: NLRB story

Yup, she's right

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 2:48 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: NLRB story

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 2:40 PM
To: Solomon, Lafe E.; Ahearn, Richard L.; Kearney, Barry J.; Garza, Jose
Subject: FW: NLRB story

You might enjoy this one.

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nrlrb.gov

Non-Responsive

Non-Responsive

Microsoft Outlook

From: Szapiro, Miriam
Sent: Wednesday, May 04, 2011 4:07 PM
To: Willen, Debra L
Subject: RE: The Boeing Company, 19-CA-32431

finally...

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 3:55 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: The Boeing Company, 19-CA-32431

[Let the games begin](#)

From: Ahearn, Richard L.
Sent: Wednesday, May 04, 2011 3:32 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Kearney, Barry J.
Subject: FW: The Boeing Company, 19-CA-32431

Microsoft Outlook

From: Szapiro, Miriam
Sent: Thursday, May 05, 2011 8:24 AM
To: Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Willen, Debra L
Subject: RE: IAM press release

Good. I like this part [at last they can put it to some good use] : "the NLRB's long-term professional Regional Staff, National Office of Advice and General Counsel *reviewed this case for a year*"

Miriam Szapiro
Supervisory attorney
NLRB Division of Advice
202-273-0998
Miriam.Szapiro@nrlrb.gov

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

From: Kearney, Barry J.
Sent: Thursday, May 05, 2011 7:54 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: IAM press release

Hooray for the red, white , and blue

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

From: rich ahearn [redacted] **Exemption 6 - Privacy**
Sent: Wednesday, May 04, 2011 9:35 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Subject: Fwd: IAM press release

FYI

Begin forwarded message:

Tracking:

Recipient

Kearney, Barry J.

Farrell, Ellen

Sophir, Jayme

Willen, Debra L

Read

Read: 5/5/2011 8:32 AM

Read: 5/5/2011 8:50 AM

Deleted: 5/5/2011 10:43 AM

Microsoft Outlook

From: Szapiro, Miriam
Sent: Thursday, May 05, 2011 8:32 AM
To: [REDACTED] *Exemption 6 - Privacy*
Subject: FW: IAM press release
Attachments: 2011_05_04 Press Release.pdf

And now, finally, the IAM (don't look at yesterday's WSJ; you'll puke)

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

From: Kearney, Barry J.
Sent: Thursday, May 05, 2011 7:54 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: IAM press release

Hooray for the red, white , and blue

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

From: rich ahearn [REDACTED] *Exemption 6 - Privacy*
Sent: Wednesday, May 04, 2011 9:35 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Subject: Fwd: IAM press release

FYI

Begin forwarded message:

Labor News

Contact: Connie Kelliher 206-764-0343 office, 206-755-8575 cell
Bryan Corliss 206-764-0357 office, 425-327-3512 cell



FOR IMMEDIATE RELEASE: May 4, 2011

Boeing Uses Clout to Block Federal Law Enforcement Action

The Boeing Company has long been a top spender in the Washington legislature to gain low tax rates and other corporate benefits. Now it is trying to use its clout in the other Washington to intimidate and coerce the federal agency investigating Boeing's unlawful retaliation against its workers in the Puget Sound.

On April 20, the National Labor Relations Board, which is charged with protecting workers' rights to engage in collective bargaining, issued a complaint against Boeing for retaliating against its workers who engaged in collective activity by moving part of their work on the new 787 Dreamliner to another state. Boeing publicly admitted that its primary motive was because of its workers' exercise of their rights.

Yesterday, in an unprecedented attack on a federal law enforcement agency, Boeing's top lawyer sent a 10-page public rant to the agency, attacking and demanding that the agency's law enforcement efforts be withdrawn. Such a letter is highly unusual, as it seeks to undermine the Agency's authority to perform its statutory duties. Typically, employers charged by the Agency make their defenses at a legal hearing, which has already been scheduled, and do not seek to take down the Agency itself.

Then, ten U.S. Senators friendly to Boeing's anti-worker message challenged the chief law enforcement officer of the agency. That public official, a 39-year career attorney at the agency with no ties to organized labor, is up for confirmation in the U.S. Senate later this year.

"In my 28 years of practicing labor law, I have never seen an employer use these types of overtly political tactics to avoid a legal proceeding," said David Campbell, IAM District 751 lawyer. "Rather than face the music at the June 14 hearing, the Boeing Company is apparently trying to kill the case politically. This tactic shows all too clearly how desperate the Company is to avoid litigating the merits of a case it knows it will lose."

The NLRB's case against Boeing rests upon Boeing's own admissions that it sought to avoid lawful collective activity in Washington state. While Boeing claims that it is free to take

whatever action it thinks may be necessary to avoid collective bargaining and strike activity, that is simply not the law. Just as the law prohibits discrimination against whistleblowers or workers who take family leave, America's laws protect workers who engage in collective activity.

This case presents a simple issue: Do big companies have to obey the law? If employers can retaliate against workers who exercise rights that are protected by law, then those rights will be gone. The NLRB's long-term professional Regional Staff, National Office of Advice and General Counsel reviewed this case for a year, found convincing merit, and issued a complaint. The hearing should continue according to its rules like any law enforcement process.

If, as Boeing claims, the case is frivolous, it will have the opportunity to present its argument before a judge on June 14 in Seattle. It can appeal the judge's decision to members of the National Labor Relations Board. If it is still unsatisfied, it can appeal to the federal courts.

Instead of following the rule of law, Boeing is using its tremendous political clout to try to stop the actions of an independent federal law enforcement agency. Such tactics might work in corrupt nations where money – not the law – rules, but should not here in America.

##

Microsoft Outlook

From: [Redacted] *Exemption 6 - Privacy*
Sent: Thursday, May 05, 2011 11:30 AM
To: Szapiro, Miriam
Subject: Re: FW: IAM press release

IAM release is really good. Hope your boss Solomon and the Board itself hold strong...

On Thu, May 5, 2011 at 8:32 AM, Szapiro, Miriam <Miriam.Szapiro@nlrb.gov> wrote:

And now, finally, the IAM . . . (don't look at yesterday's WSJ; you'll puke)

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

From: Kearney, Barry J.
Sent: Thursday, May 05, 2011 7:54 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: IAM press release

Hooray for the red, white , and blue

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

From: rich ahearn [Redacted] *Exemption 6 - Privacy*
Sent: Wednesday, May 04, 2011 9:35 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Subject: Fwd: IAM press release

FYI

Begin forwarded message:

Microsoft Outlook

From: Ahearn, Richard L.
Sent: Friday, April 23, 2010 4:51 PM
To: Todd, Dianne
Subject: RE: The Boeing Company, Case 19-CA-32431

Many thanks.
Rich

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

From: Todd, Dianne
Sent: Friday, April 23, 2010 1:46 PM
To: Jablonski, Colleen G.; Ahearn, Richard L.
Subject: FW: The Boeing Company, Case 19-CA-32431

FYI

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

From: Hankins, Richard [mailto:rhankins@mckennalong.com]
Sent: Friday, April 23, 2010 11:40 AM
To: Todd, Dianne
Cc: Clarke, Joan C; Lunt, Drew
Subject: The Boeing Company, Case 19-CA-32431

Ms. Todd,

Attached is Boeing's response to your letter of April 16, 2010. I would appreciate the opportunity to speak with you on Monday about the status of the investigation and the plans going forward.

Have a great weekend.

<<2010-04-23 boeing - letter to d todd 19-CA-32431.PDF>>

Richard B. Hankins
McKenna Long & Aldridge LLP
303 Peachtree Street | Suite 5300 Atlanta, Ga 30308
Tel: 404.527.8372 | Fax: 404.527.4198 | rhankins@mckennalong.com

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Microsoft Outlook

Subject: Boeing

Start: Wed 5/12/2010 3:00 AM
End: Thu 5/13/2010 3:00 AM
Show Time As: Free

Recurrence: (none)

Microsoft Outlook

From: Hankins, Richard [rhankins@mckennalong.com]
To: Todd, Dianne
Sent: Wednesday, July 28, 2010 6:21 PM
Subject: Read: Boeing, 19-CA-32431

Your message was read on Wednesday, July 28, 2010 6:20:52 PM (GMT-05:00) Eastern Time (US & Canada).

Microsoft Outlook

From: David Campbell [campbell@workerlaw.com]
Sent: Tuesday, August 03, 2010 12:45 PM
To: Todd, Dianne
Cc: Carson Glickman-Flora; Jude Bryan; Kathy Barnard; Corson Christopher; tomw@iam751.org; getajob@comcast.net; rmichalski@iamaw.org
Subject: IAM 751 v. Boeing, Case No. 19-CA-32431

Dianne, I know that Director Ahearn is returning from vacation soon, and per our prior discussion, we hope to schedule a meeting with him on this case. In light of the importance of the issues presented, I am sure that a number of International and Local officials will want to attend that meeting. If we could talk soon regarding scheduling, it would be very helpful.

Thanks, Dave

Sincerely, David Campbell
campbell@workerlaw.com

Schwerin Campbell Barnard Iglitzin & Lavitt
18 W Mercer Suite 400

Seattle, Washington 98119-3971

Phone (206)285-2828; FAX (206)378-4132

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Microsoft Outlook

Subject: 11:30 boeing meeting

Start: Wed 11/10/2010 3:00 AM
End: Thu 11/11/2010 3:00 AM
Show Time As: Free

Recurrence: (none)

Microsoft Outlook

Subject: write Boeing advice

Start: Fri 8/27/2010 3:00 AM
End: Sat 8/28/2010 3:00 AM
Show Time As: Free

Recurrence: (none)

Microsoft Outlook

From: Todd, Dianne
Sent: Wednesday, May 04, 2011 7:56 PM
To: Skov, Ann-Marie
Subject: FW: NLRB story
Attachments: TNR-Judis_5-26-11.pdf

From: Ahearn, Richard L.
Sent: Wednesday, May 04, 2011 11:46 AM
To: Pomerantz, Anne; Anzalone, Mara-Louise; Finch, Peter G.; Todd, Dianne; Jablonski, Colleen G.
Subject: FW: NLRB story

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 11:40 AM
To: Solomon, Lafe E.; Ahearn, Richard L.; Kearney, Barry J.; Garza, Jose
Subject: FW: NLRB story

You might enjoy this one.

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov

Non-Responsive

symbolism is entirely to the point. The symbolism of this present raid says: History is not on bin Laden's side. History is on the side of democracy and freedom. History will not be deterred. Yes, we should ask ourselves: Does it make sense to speak about abstractions like "history"? Does the relentlessness of a man-hunt contain any deeper meanings at all? But there is an answer to these questions. The abstractions express a meaning if we choose to endow them with meaning. Ten years of relentless man-hunting suggest that we have chosen to do so.

Obama's speech on Sunday night was magnificent—although I wish he had mentioned the Iraq war, which, once we had overthrown Saddam, became a war directed largely against Al Qaeda, specifically the branch that was led by bin Laden's man in Mesopotamia, Abu Musab Al Zarqawi. The war against Zarqawi and

his movement became, for a while, a central front in the larger war between Al Qaeda's version of Islamism and America's version of liberal democracy.

But I am quibbling about the past. The president spoke eloquently enough about America's victory over bin Laden himself. The symbolism is unmistakable. The fantasy caliphate is not going to be created. The power of a democratic republic cannot be denied. That was the message. We are winning. Al Qaeda is losing. This is not just a matter of circumstance or luck. We have reason to bang our drums, and people all over the world, and especially in the Muslim world, have reason to respond with a feeling of hope for themselves and for everyone else. Or rather, we are right to believe this, and other people are right to believe likewise, so long as we continue to choose to be relentless.

PAUL BERMAN

Labor Intensive

The most radical thing the Obama administration has done.

ON APRIL 20, Lafe Solomon, the acting general counsel of the National Labor Relations Board (NLRB), issued a complaint against Boeing. Two years ago, the company had announced it was transferring the production of 2,000 airplanes from a unionized plant in Puget Sound, Washington, to a non-union plant outside Charleston, South Carolina. According to Solomon's complaint, what made this decision illegal was the company's motive. High-level Boeing officials had stated publicly that the move was being made in response to strikes—four over the previous two decades—led by the machinists' union at the Puget Sound facility. If Boeing had said the move was dictated by costs or by the weather, the NLRB would not have cried foul.

Forty or fifty years ago, these kinds of cases were common. Now, there are fewer of them—but not because companies are better-behaved. Ever since the Reagan administration, which crippled the NLRB, companies have been free to operate with impunity, moving plants or simply threatening to do so in order to quell organizing efforts. That's why Solomon's complaint, which might have gone unnoticed a generation ago, may be the most radical thing the Obama administration has done.

THE NLRB'S COMPLAINT has, predictably, provoked howls of outrage from

the Chamber of Commerce, the National Association of Manufacturers, and Boeing itself, which called it "legally frivolous." Nine Republican attorneys general have demanded that the NLRB withdraw the complaint, while others on the right have suggested darkly that the agency's real motives are political. "This is nothing more than a political favor for the unions who are supporting President Obama's reelection campaign," charged South Carolina Republican Senator Jim DeMint.

In fact, the President and the White House had nothing to do with the decision. As for Solomon, he is a 39-year civil servant with no history of labor militancy. His complaint stems from a fairly uncontroversial reading of the 1935 National Labor Relations Act (NLRA), and its subsequent interpretation by the courts, according to Karl Klare of Northeastern University's School of Law. Under the NLRA, employers are guilty of an "unfair labor practice" if they "interfere with, restrain, or coerce employees" in the exercise of their right to "form, join or assist labor organizations, to bargain collectively ... and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." That means it's illegal for a business to threaten or penalize workers for seeking to organize a union or going on strike.

According to Solomon's complaint, there is compelling evidence that Boeing did just that. Solomon cited five public statements by Boeing top executives

saying that they were transferring the jobs to South Carolina to avoid strikes. For instance, on October 21, 2009, Boeing CEO Jim McNerney posted a statement on the company's intranet, which is accessible to all employees, attributing the decision to "strikes happening every three or four years in Puget Sound." Such a comment can be seen as an attempt to interfere with the right to strike: It implies that if employees do so, they will lose work to non-unionized plants in other states.

Solomon's complaint is not a ruling, but is instead more akin to a criminal indictment, in that it merely seeks to establish whether there are reasonable grounds for believing an employer has committed an unfair labor practice. By that standard, the complaint is entirely fair. It sets in motion a trial by an administrative law judge in Seattle on June 14. The loser can appeal that decision to the NLRB, whose decision can in turn be appealed before a federal court.

If the case goes that far, Boeing stands a decent chance of prevailing. To win, the NLRB would need to show that Boeing executives intended their words to have a chilling effect on the machinists' rights—but sinister motives are notoriously difficult to prove, even when statements like those of McNerney are in the public record. Ultimately, the case's fate may rest with the political inclinations of the judges. In a 1982 case, *Weather Tamer v. NLRB*, judges on the generally conservative eleventh circuit threw out an NLRB ruling against an employer. The court had been presented with a record of a supervisor stating that if workers joined a union, the company would close the plant but ruled that this statement was not "sufficient to establish a motive to chill unionism."

BUSINESS GROUPS claim that if Boeing loses, no company will be free to hire or fire workers without second-guessing from the NLRB. But there's another, unstated, reason why Republicans and conservatives are so worried about this case. Since the passage of the Taft-Hartley law in 1947, which allowed states to pass right-to-work laws making union organization more difficult, the South and parts of the Rocky

Mountain and Prairie West have become a haven for private firms attempting to avoid unionization. That has had a profound political impact.

The popularity of New Deal liberalism—from the NLRA to Social Security,



ANTHONY RUSSO



the minimum wage, and progressive taxation—was rooted in the unionized and primarily white working class of the North. That working class has been decimated by the movement of private manufacturing firms to non-union states and overseas. It has been supplanted politically by a private sector non-union working class more attuned to divisions of race and religion than of class. That, and the white Southern backlash to the civil rights movement, were major factors in the growth of a new Republican conservatism—and in America's tilt rightward over the last thirty years.

The Boeing case, then, isn't just about corporate prerogatives. It's also about the future of American politics. With Solomon's complaint, the NLRB has taken a small but definite step toward restoring an earlier America—one where politics wasn't dominated by the Chamber of Commerce or demagogues like Jim DeMint, and workers had rights that mattered.

JOHN B. JUDIS

Town and Country

Sderot and the future of Israel.

IN APRIL, the southern Israeli town of Sderot hosted its eighth annual French film festival, which was an achievement more impressive than it sounds. Sderot is a small town, and it is also a poor one; it has only 20,000 residents, many of them immigrants from former Soviet Asian republics.

But Sderot's biggest challenge may be the missiles. For the past ten years, not long after the beginning of the Second Intifada in 2000, Hamas has launched thousands of Qassam missiles over the border from Gaza, barely a mile away. Qassams are typically homemade—70 pounds of steel inserted with nails and bolts, as in the bombs used in suicide attacks. When a strike is imminent, a calm female voice announces over loudspeakers, "Color Red, Color Red," giving residents 15 seconds to run to one of the many shelters around town.

Some two-dozen residents of Sderot

and the surrounding area have been killed in attacks over the past decade, and hundreds have been wounded. But the rockets' true threat is their ability to terrorize. Much of Sderot's middle class has left. Thousands of residents have been treated for trauma; a generation of children suffers from stuttering and bed-wetting. Sderot, then, is Israel's nightmare—the anti-Tel Aviv. Here there is no pretending you can avoid the siege.

After the Gaza war of 2009, the assaults became less frequent, but missiles still fall intermittently. When that happens, the Sderot Cinematheque moves screenings to a smaller theater with thicker walls and a steel roof. Invariably, attendance declines, sometimes for days or even weeks. Still, Benny Cohen, the Cinematheque's director, insists on running the theater as though it were in Tel Aviv. For him, the Cinematheque is part of Sderot's battle for survival, and so he is constantly devising new projects and inviting foreign directors to town, such as the Coen brothers, who are coming to Israel for all of one day this month. His next big event is a film festival about peripheral areas around the world. "It's the only free festival in Israel," he says proudly. "You must come—it will be a real celebration."

SDEROT HAS LONG HAD a history of improbable cultural vitality. "It looks like a dump, but there's so much creativity here," says Laura Bialis, a documentary filmmaker from Los Angeles who moved to Sderot almost four years ago. "Every teenager I met seemed to want to be a rock singer or an actor." She decided to make a film about Sderot's rock musicians, and fell in love with one of them, Avi Vaknin, who proposed to her in an air raid shelter. "There wasn't a Qassam attack," she explains. "Avi was just being dramatic."

The guiding spirit of Sderot's rock scene is Chaim Uliel, whose band, Sfayim (Lips), brought Moroccan music into the mainstream in the late 1980s and nurtured a generation of local musicians. They went on to found bands like Tipex (White Out) and Knesiyat Hasechel (Cathedral of the Mind), which created a fusion between Western rock and Sephardic ethnic music. Don't just mimic Western trends, Uliel urged his protégés, take the music you know from the synagogue and the home.

Two years ago, however, Uliel left Sderot and moved to a town near Tel Aviv. The news was so shocking that the country's largest newspaper, *Yediot Aharanot*, devoted the cover of its weekend magazine to an interview with Uliel, "the

Microsoft Outlook

From: Willen, Debra L
Sent: Friday, September 03, 2010 8:37 AM
To: Ahearn, Richard L.
Cc: Pomerantz, Anne; Baniszewski, Joseph; Karsh, Aaron; Szapiro, Miriam
Subject: Boeing Company, Case 19-CA-32431

I have been assigned your request for advice in this case. Please feel free to contact me or my supervisor, Miriam Szapiro (202-273-0998), if you have any questions or if there are any further developments.

Thank you,

Debra Willen
Division of Advice
(202) 273-3714

Microsoft Outlook

From: Jude Bryan [bryan@workerlaw.com]
Sent: Tuesday, September 21, 2010 2:26 PM
To: Willen, Debra L
Cc: David Campbell; Carson Glickman-Flora; Kathy Barnard
Subject: IAMAW District Lodge 751 v. Boeing, NLRB Region 19 Case No.19-CA-32431

Dear Ms. Willen:

I am the paralegal assisting the attorneys representing the Union in this matter. Following is the contact information for our attorneys:

David Campbell campbell@workerlaw.com
Carson Glickman-Flora flora@workerlaw.com
Kathleen Phair Barnard barnard@workerlaw.com
Schwerin Campbell Barnard Iglitzin & Lavitt LLP
18 West Mercer Street, Ste. 400
Seattle, WA 98119-3971
(206) 285-2828 (phone)
(206) 378-4132 (fax)

If we can provide you with any additional information on this matter, please let me know.

Jude Bryan, Paralegal | Schwerin Campbell Barnard Iglitzin & Lavitt LLP | 18 West Mercer Street, Ste. 400, Seattle, WA 98119-3971; Phone:
206.285.2828 Ext. 21; Fax: 206-378-4132 | www.workerlaw.com

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From: Willen, Debra L
Sent: Thursday, October 21, 2010 4:06 PM
To: Omberg, Bob
Subject: Boeing Marks Construction Milestone on South Carolina 787 Final Assembly Building - Sep 24, 2010

<http://boeing.mediaroom.com/index.php?s=43&item=1434>

Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, October 21, 2010 4:09 PM
To: Omberg, Bob
Subject: Boeing Dreamliner 'coming to life'

http://www.seattlepi.com/business/275465_japan27.html

Microsoft Outlook

From: Willen, Debra L
Sent: Thursday, October 21, 2010 4:10 PM
To: Omberg, Bob
Subject: Boeing: Commercial Airplanes - 787 Dreamliner - International Team Facts

http://www.boeing.com/commercial/787family/dev_team.html

Microsoft Outlook

Subject: Discuss Boeing before meeting w/ Co.
Location: Barry's office

Start: Wed 11/10/2010 1:30 PM
End: Wed 11/10/2010 2:30 PM

Recurrence: (none)

Meeting Status: Accepted

Required Attendees: Farrell, Ellen; Willen, Debra L; Szapiro, Miriam; Kearney, Barry J.

When: Wednesday, November 10, 2010 1:30 PM-2:30 PM (GMT-05:00) Eastern Time (US & Canada).
Where: Barry's office

Note: The GMT offset above does not reflect daylight saving time adjustments.

~~*~*~*~*~*~*~*

Microsoft Outlook

From: Sophir, Jayme
Sent: Wednesday, April 20, 2011 1:49 PM
To: Willen, Debra L
Cc: Szapiro, Miriam
Subject: FW: Machinist news release is out

From: Solomon, Lafe E.
Sent: Wednesday, April 20, 2011 1:47 PM
To: Mattina, Celeste J.; Abruzzo, Jennifer; Kearney, Barry J.; Sophir, Jayme; Ahearn, Richard L.
Subject: FW: Machinist news release is out

From: Wagner, Anthony R.
Sent: Wednesday, April 20, 2011 1:43 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose
Subject: Machinist news release is out

<http://www.goiam.org/index.php/news/press-releases/8624-machinists-hail-nlr-b-complaint-over-boeing-south-carolina-move>

Tony Wagner
New Media Specialist | Office of Public Affairs
National Labor Relations Board (NLRB)
1099 14th Street NW, Suite 11550 | Washington, DC 20570
anthony.wagner@nrlb.gov | 202-273-0187 | cell: 202-375-9791
nrlb.gov | m.nrlb.gov | facebook.com/NLRBpage | [@nrlb](https://twitter.com/nrlb)

Microsoft Outlook

From: NLRB Updates
Sent: Wednesday, April 20, 2011 2:46 PM
To: Willen, Debra L
Subject: NLRB issues complaint against Boeing Company for unlawfully transferring work to a non-union facility

April 20, 2011

Contact:
Office of Public Affairs
202-273-1991
publicinfo@nrlb.gov
www.nrlb.gov

NLRB issues complaint against Boeing Company for unlawfully transferring work to a non-union facility

NLRB Acting General Counsel Lafe Solomon today issued a complaint against the Boeing Company alleging that it violated federal labor law by deciding to transfer a second production line to a non-union facility in South Carolina for discriminatory reasons.

Boeing announced in 2007 that it planned to assemble seven 787 Dreamliner airplanes per month in the Puget Sound area of Washington state, where its employees have long been represented by the International Association of Machinists and Aerospace Workers. The company later said that it would create a second production line to assemble an additional three planes a month to address a growing backlog of orders. In October 2009, Boeing announced that it would locate that second line at the non-union facility.

In repeated statements to employees and the media, company executives cited the unionized employees' past strike activity and the possibility of strikes occurring sometime in the future as the overriding factors in deciding to locate the second line in the non-union facility.

The NLRB launched an investigation of the transfer of second line work in response to charges filed by the Machinists union and found reasonable cause to believe that Boeing had violated two sections of the National Labor Relations Act because its statements were coercive to employees and its actions were motivated by a desire to retaliate for past strikes and chill future strike activity.

"A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Mr. Solomon said. "We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law. I have worked with the parties to encourage settlement in the hope of avoiding costly litigation, and my door remains open to that possibility."

To remedy the alleged unfair labor practices, the Acting General Counsel seeks an order that would require Boeing to maintain the second production line in Washington state. The complaint does not seek closure of the South Carolina facility, nor does it prohibit Boeing from assembling planes there.

Absent a settlement between the parties, the next step in the process will be a hearing before an NLRB administrative law judge in Seattle, set for June 14, at which both parties will have an opportunity to present evidence and arguments.

[Click here to view a fact sheet.](#)

[Click here to view this news release on our website.](#)

For more information about the National Labor Relations Board, please see our website at www.nlr.gov.



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Microsoft Outlook

From: Exemption 6 - Privacy
Sent: Thursday, April 21, 2011 8:10 AM
To: Willen, Debra L
Subject: today's wsj coverage
Attachments: image001.jpg

Wall Street Journal April 21, 2011

Boeing to Fight Order to Move 787
By [MELANIE TROTTMAN](#)

The National Labor Relations Board Wednesday said aircraft maker [Boeing](#) Co. violated federal labor law by building a second production line for its 787 Dreamliner at a non-union factory in South Carolina, siding with union workers in Washington State who charged the decision was retaliation for their past strikes.

The Chicago company called the NLRB's complaint "legally frivolous" and a "radical departure" from precedents. It said it will fight the complaint, which was sought by the International Association of Machinists and Aerospace Workers union.

The NLRB's action comes amid a broad conflict over the role of unions in the economy. Unions have responded to setbacks in the 2010 elections, which put Republicans in charge of the U.S. House of Representatives and in state houses around the country, by pressing the Obama administration and the majority Democrat NLRB to favor union positions.

President Barack Obama also has been trying to cultivate business leaders by promising to review and possibly roll back regulation, and doing more to help U.S. companies boost exports. Boeing is a big U.S. exporter.

[View Full Image](#)



Agence France-Presse/Getty Images

Boeing plans to build the 787 Dreamliner, shown above in Washington state in March, at a non-union plant.

NLRB Acting General Counsel Lafe Solomon said that in repeated statements to employees and the media, Boeing executives cited the unionized employees' past strike activity and the possibility of future strikes as the overriding factors in deciding to locate the second production line at the nonunion facility. The comments were coercive and motivated by a desire to retaliate against workers for past strikes, while attempting to discourage future strike activity, the agency charged.

"A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Mr. Solomon said in a statement. "We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law."

Mr. Solomon proposed a board order that would require Boeing to operate the second production line in Washington State. Boeing said it is scheduled to begin assembling planes in July at the South Carolina facility, where more than 1,000 new workers have been hired.

John Raudabaugh, a former NLRB Republican member who represents companies for Washington, D.C., law firm Nixon Peabody LLP, said Boeing executives should have been more measured with their words. "I think it's unfortunate if they said it the way it has been reported," he said. "They should have offered up a cost-related explanation," Mr. Raudabaugh said.

Sen. Lindsey Graham (R., S.C.) attacked the NLRB in a statement, saying that if the board's action is upheld it would "allow unions to hold a virtual 'veto' over business decisions." Mr. Graham said the NLRB is trying to punish states such as South Carolina where unions are relatively weak, and he said he'd seek legislation to cut off funding for "this wild goose chase."

Joe Trauger, a vice president at the National Association of Manufacturers, said the NLRB's decision sends a message that companies with union representation can't expand in right-to-work states. If the complaint succeeds "no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," he said.

The board is reversing decades of its own precedent and Supreme Court rulings to "advance its agenda to expand unionization," Mr. Trauger said. "If the IAM and NLRB succeed in their complaint, no company will be safe from the NLRB stepping in to second-guess its business decisions on where to expand or whom to hire," Mr. Trauger said. IAM Vice President Rich Michalski, whose union represents more than 35,000 Boeing workers, praised the decision, saying Boeing "needs to rethink its strategy of repeatedly alienating its most valuable asset: the highly-skilled workers who build Boeing aircraft."

The NLRB said it plans to hold a hearing June 14 before an NLRB administrative judge in Seattle "absent a settlement between the two parties."

Boeing said it held "extensive" talks with the Machinists about potentially placing the additional production in Washington. But that failed amid demands "that would have hampered the company's competitiveness in the increasingly competitive global market for large commercial airplanes," the company said.

Boeing said the Machinists ultimately have suffered no job losses from the decision because the company has increased employment in the Puget Sound area by about 2,000 workers since deciding to expand in South Carolina in October 2009.

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Sent: Thursday, April 21, 2011 8:17 AM
To: Willen, Debra L
Subject: NY Times coverage

New York Times

April 20, 2011

Labor Board Tells Boeing New Factory Breaks Law

By [STEVEN GREENHOUSE](#)

In what may be the strongest signal yet of the new pro-labor orientation of the [National Labor Relations Board](#) under [President Obama](#), the agency filed a complaint Wednesday seeking to force [Boeing](#) to bring an airplane production line back to its unionized facilities in Washington State instead of moving the work to a nonunion plant in South Carolina.

[In its complaint](#), the labor board said that Boeing's decision to transfer a second production line for its new [787 Dreamliner](#) passenger plane to South Carolina was motivated by an unlawful desire to retaliate against union workers for their past strikes in Washington and to discourage future strikes. The agency's acting general counsel, Lafe Solomon, said it was illegal for companies to take actions in retaliation against workers for exercising the right to strike.

Although manufacturers have long moved plants to nonunion states, the board noted that Boeing officials had, in internal documents and news interviews, specifically cited the strikes and potential future strikes as a reason for their 2009 decision to expand in South Carolina.

Boeing said it would "vigorously contest" the labor board's complaint. "This claim is legally frivolous and represents a radical departure from both N.L.R.B. and [Supreme Court](#) precedent," said J. Michael Luttig, a Boeing executive vice president and its general counsel. "Boeing has every right under both federal law and its collective bargaining agreement to build additional U.S. production capacity outside of the Puget Sound region."

It is highly unusual for the federal government to seek to reverse a corporate decision as important as the location of plant.

But ever since a Democratic majority took control of the five-member board after Mr. Obama's election, the board has signaled that it would seek to adopt a more liberal, pro-union tilt after years of pro-employer decisions under President Bush.

Although the board has not yet issued many major decisions reversing Bush-era policies, it has begun requiring private sector employers to post a notice about workers' right to unionize, and Mr. Solomon has begun moving more aggressively to win reinstatement of union supporters fired illegally by management during unionization drives.

In a statement Wednesday, Mr. Solomon said: "A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act. We also recognize the rights of employers to make business decisions based on their economic interests, but they must do so within the law."

South Carolina's two senators, both Republicans, [Lindsey Graham](#) and [Jim DeMint](#), denounced the board's move. "This is nothing more than a political favor for the unions who are supporting President Obama's re-election campaign," Mr. DeMint said.

The labor board said that in 2007, Boeing announced plans to create a second production line that would make three 787 Dreamliner planes a month in the Puget Sound area to address a growing backlog of orders. That was to be in addition to a line already making seven Dreamliners a month there. In October 2009, Boeing said it would locate its second line at a new, nonunion plant in South Carolina.

The N.L.R.B. asserted that on numerous occasions Boeing officials had communicated an unlawful motive for transferring the production line, including an interview with The Seattle Times in which a Boeing executive said, "The overriding factor was not the business climate. And it was not the wages we're paying today. It was that we cannot afford to have a work stoppage, you know, every three years."

Mr. Solomon brought the complaint after a union representing many of Boeing's Washington workers, the [International Association of Machinists and Aerospace Workers](#), complained that Boeing had decided to move production to South Carolina largely in retaliation for a 58-day strike in 2008.

"Boeing's decision to build a 787 assembly line in South Carolina sent a message that Boeing workers would suffer financial harm for exercising their collective bargaining rights," said the union's vice president, Rich Michalski.

Mr. Solomon said that if he failed to settle the dispute, an administrative judge would begin hearing the case on June 14 in Seattle. Mr. Solomon said he was not seeking to close the South Carolina factory or prohibit Boeing from assembling planes there.

Boeing criticized the timing of the N.L.R.B.'s complaint, saying it came when construction of the factory in North Charleston, S.C., was nearly complete and after 1,000 employees had already been hired there.

Boeing said on Wednesday that none of the production jobs in South Carolina had come at the expense of jobs in Washington. It noted that its unionized employment in the Puget Sound area had increased by 2,000 since it announced its decision to expand in South Carolina.

The company also said it had decided to expand in South Carolina in part to protect business continuity and to reduce the damage to its finances and reputation from future work stoppages.

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From: Willen, Debra L
Sent: Thursday, April 28, 2011 10:25 AM
To: Psotka, Jonathan
Subject: FW: Legal News FYI

From: Baniszewski, Joseph
Sent: Wednesday, April 27, 2011 2:00 PM
To: Willen, Debra L
Subject: FW: Legal News FYI

[It's the link below, Answer to Boeing's Labor Dispute,](#)

[Regards,](#)

[Joe](#)

From: Martin, Andrew
Sent: Wednesday, April 27, 2011 8:35 AM
To: Abruzzo, Jennifer; Ahearn, Richard L.; Ananthanayagam, Shanti; Arlook, Martin M.; Baniszewski, Joseph; Barker, Joseph; Becker, Craig; Blyer, Alvin P.; Bonett Jr., Edward J.; Boren, Dennis R.; Burton, Spence; Carlton, Peter J.; Chester, Robert W.; Christman Jr., Thomas J.; Cleeland, Nancy; Colwell, John F.; Cowen, William B.; Dreeben, Linda J.; Eddins-Hill, Rosalind Elaine; Englehart, Bob; Farrell, Ellen; Ferguson, John H.; Fies-Keller, Cara L.; Figueroa, Marta; Flynn, Terence F.; Franklin, Kirk; Garza, Jose; Glasser, Stephen M.; Gold, Wayne R.; Goldstein, Dawn; Gottschalk, Irving E.; Graham, David; Grant, Regina; Griffin, Jill; Guest, Matt; Habenstreit, David; Hankins, Raymond; Hayes, Brian; Heinzmann, Kym; HELTZER, LES (Hdqs); Hirozawa, Kent; Hollo, Elana R.; Hooks, Ronald K.; Howard, Deidran; Jacob, Fred B.; James, Kathleen; Jones, Harry; Joseph, Gloria; Kane, Robert F.; Karsh, Aaron; Katz, Judy; Kearney, Barry J.; Kelly, David A.; Kilpatrick, Elizabeth; Kinard, Martha E.; Krafts, Andrew J.; Lee, Sydney A.; Lennie, Rachel G.; Levin, Nelson; Levitan, Daniel; Ley, Rhonda; Lieber, Margery E.; Liebman, Wilma B.; Lightner, J. Michael; Lineback, Rik D.; Martin, David P.; Mattina, Celeste J.; McDermott, James J.; McKinney, M. Kathleen; Mills, Jacqueline; Moore-Duncan, Dorothy L.; Moran, Gail R.; Morgan, Terry A.; Murphy, James R.; Ohr, Peter S.; Osthus, Marlin O.; Overstreet, Cornele; Pearce, Mark G.; Purcell, Anne G.; Reynolds, Vanita S.; Rivchin, Julie Y.; Robinson, Miles A.; Rosenberg, Joshua; Saunders, Josh D.; Schiff, Robert; Shapiro, Ken; Siegel, Richard A.; Simms, Abby; Smith, Barry F.; Solomon, Lafe E.; Sophir, Jayme; Spector, Jennifer R.; Tellem, Elbert F.; Tendrich, Robert; Thompson, Scott C.; Tuli, Manisha E.; Wagner, Anthony R.; Williams, Harold; Yaffe, Deborah; Zick, Lara S.
Subject: Legal News FYI

Raynor Resigns From Positions of President Of Workers United, SEIU International VP

Amid internal charges of allegedly misappropriating union funds through misleading expense reports, Bruce Raynor, president of the Workers United affiliate of the Service Employees International Union and international executive vice...

AFA, IAM Compete to Represent Flight Attendants at United Continental

CHICAGO—Flight attendants at United Continental Holdings Inc. will choose a single union to represent them in collective bargaining under voting procedures authorized by the National Mediation Board April 26....

RNs Threaten Short Strikes Next Week At Five Hospitals, Primarily Over Staffing

Affiliates of National Nurses United in the last few days have notified five hospitals in four states that their members plan to engage in strikes ranging from one day to five days, during the week beginning May 1....

NLRB's Weekly Summary of Cases, Dated April 18-22, 2011

The answer to Boeing's labor dispute

Washington Post – 04/26/11 00:23 –

Words matched: Lafe Solomon

For high-stakes legal drama, it doesn't get much bigger than last week's filing by the National Labor Relations Board charging that Boeing's decision to open a big new production facility in union-phobic South Carolina was motivated by a desire to punish and intimidate the strike-prone union at its

*...based on the complaint filed by the International Association of Machinists . **Lafe Solomon**, the acting general counsel who made the decision, is...*

Lawmakers support Backus nurses' union right

Norwich Bulletin (AP) – 04/26/11 23:17 –

Words matched: National Labor Relations Act

Ten state legislators recently signed a letter calling for The William W. Backus Hospital's management to remain neutral as nurses decide on joining a union.

*...open letter on the importance of neutrality, begins by quoting the **National Labor Relations Act** regarding the right to self-organize and bargain...*

Ex-Labor Board Chairman: Union-Backed Case Against Boeing 'Unprecedented'

FoxNews.com – 04/26/11 00:09 –

Words matched: National Labor Relations Act

The former chairman of the National Labor Relations Board told FoxNews.com that a board attorney's bid to stop Boeing from opening a production line at a non-union site in South Carolina is "unprecedented" and could have serious implications for companies looking to expand.

*"A worker's right to strike is a fundamental right guaranteed by the **National Labor Relations Act**," Solomon said in a statement. "We also recognize..."*

Unionized BCBS Employees Locked Out

WNED NewsRoom – 04/26/11 17:10 –

Words matched: NLRB

BUFFALO (wned) - Unionized employees at Blue Cross/Blue Shield of WNY are on the outside looking in today. Nearly 400 members of Local 212 of the Office and Professional Employees International Union have been "locked out" of corporate offices on West Genesee St.

*...Cross/Blue Shield has filed two unfair labor practice charges with the **NLRB**. The union said it has numerous concerns including pay, job security ,*

Bremerton Ambulance workers turn down union

Kitsap Sun (AP) – 04/26/11 15:13 –

Words matched: National Labor Relations Board

BREMERTON — Bremerton Ambulance workers, voting for a second time, have turned down the prospect of union representation. The vote was 23 to 15, according to Kim Doyle, Bremerton Ambulance executive director.

*...International Association of EMTs and Paramedics filed an objection with the **National Labor Relations Board**, and a second vote was held. Bremerton...*

Andrew Martin
Librarian (Law)
National Labor Relations Board
1099 14th Street NW
Suite 800
Washington, DC 20570
(202) 273-3724
(202) 273-2906 fax
andrew.martin@nrlb.gov

Microsoft Outlook

From: Mantz, John
Sent: Monday, May 02, 2011 8:16 AM
To: Willen, Debra L
Subject: FW: Lussier's e-mail

Deb,
Have you seen this?

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

From: Lussier, Richard
Sent: Sunday, May 01, 2011 6:36 PM
To: Belin, Jeremy S.; Compton, Kayce R.; Frisch, Jacob; Mantz, John; Marx, Eric C.; Oddis, Robert N.; Pho, Laura D; Vazquez, Laura T.
Subject:

http://online.wsj.com/article/SB10001424052748703778104576287290266016016.html?mod=WSJ_Opinion_LEADTop

Microsoft Outlook

From: Sophir, Jayme
Sent: Tuesday, May 03, 2011 12:14 PM
To: Willen, Debra L; Szapiro, Miriam
Subject: FW:
Attachments: Solomon letter with attachment - May 3, 2011.pdf; ATT00001..htm

From: Solomon, Lafe E.
Sent: Tuesday, May 03, 2011 11:59 AM
To: Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Mattina, Celeste J.; Abruzzo, Jennifer; Ahearn, Richard L.; Garza, Jose
Subject: Fwd:

Sent from my mobile

Begin forwarded message:

From: "Luttig, Michael" <michael.luttig@boeing.com>
To: "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>

May 3, 2011



Lafe E. Solomon, Esquire
Acting General Counsel
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Dear Mr. Solomon:

I write regarding statements in your complaint and elsewhere—including statements attributed to you in the *New York Times* on April 23—about Boeing's decision to place its new 787 final assembly line in South Carolina. A number of these statements, which are critical to your case against Boeing, fundamentally misquote or mischaracterize statements by Boeing executives and actions taken by the Company. You have a responsibility to correct these misquotations and mischaracterizations, for the public record and also for purposes of the complaint you have filed. Through these misquotations and mischaracterizations, you have done a grave disservice to The Boeing Company, its executives and shareholders, and to the 160,000 Boeing employees worldwide. And, of course, you have filed a complaint based upon these misstatements that cannot be credibly maintained under law.

Your Statement That Boeing "Transferred" Union Work

As an initial matter, repeated statements in the complaint allege that Boeing "removed work" from Puget Sound (§6), "decided to *transfer* its second 787 Dreamliner production line" to South Carolina (§7(a)), and "decided to *transfer* a sourcing supply program" to South Carolina (§8(a)). Your April 20 press release makes the same assertion: "The NLRB launched an investigation of the *transfer* of second line work in response to charges filed by the Machinists union and found reasonable cause to believe that Boeing had violated two sections of the National Labor Relations Act."

As you well know, no work—none at all—was "removed" or "transferred" from Puget Sound. The second line for the 787 is a new final assembly line. As it did not previously exist in Puget Sound or elsewhere, the second assembly line could not have been "removed" from, "transferred" or otherwise "moved" to South Carolina. Simply put, the work that is and will be done at our Charleston, South Carolina final assembly facility is new work, required and added in response to the historic customer demand for the 787. No member of the International Association of Machinists' union (IAM) in Puget Sound has lost his or her job, or otherwise suffered

any adverse employment action, as a result of the placement of this new work in the State of South Carolina.

Your own Regional Director, whose office you have tasked with prosecuting this case, understands that, and has accurately and publicly described the matter differently than you. As the Seattle Times reported last year, “Richard Ahearn, the NLRB regional director investigating the complaint, said it would have been an easier case for the union to argue if Boeing had moved existing work from Everett, rather than placing new work in Charleston.” Dominic Gates, *Machinists File Unfair Labor Charge Against Boeing over Charleston*, Seattle Times, June 4, 2010.



Since no actual work was “transferred,” it now appears that NLRB officials are already, via public statements, transforming the theory of the complaint to say that, because Boeing committed to the State of Washington that it would build all of the Company’s 787s in that state, the building of airplanes in South Carolina constitutes “transferred” work or work “removed.” Thus, on April 26, an NLRB spokeswoman, Nancy Cleeland, apparently told a news organization that “the charge that Boeing is transferring work away from union employees stems from the company’s original commitment ‘to the State of Washington that it would build the Dreamliner airplanes in this state.’”

The premise underlying that assertion—that Boeing committed to the State of Washington to build all of the Company’s 787s in Washington—is false. Boeing did not commit to the State of Washington that it would build all of its 787s in that state. Boeing honored—and fully—all of its contractual commitments to the State of Washington long before the decision to locate the Company’s new production facility in South Carolina. The notion that Boeing had somehow committed to Washington State to build all 787s in that state is neither mentioned nor even suggested either in the IAM’s charge or in your recently filed complaint, and you never asserted that Boeing had made such contractual commitments to the State of Washington in the several discussions we have had with you in the months preceding your filing of the complaint. Had you done so, we would have explained to you why such an understanding was plainly incorrect. I call upon you to quickly and fully correct the record on this point. In addition to being wholly uninformed, it creates the impression that you and your office are now in search of a theory that will support a predetermined outcome, even a theory that has nothing to do with the National Labor Relations Act.

Your Statement That Boeing Sought To “Punish” Union Employees

Mischaracterizing what Boeing did by calling it a “transfer” of work, or suggesting that Boeing broke commitments to the State of Washington, is bad enough. Far more egregious, however, are the statements that have been made concerning the motives and intent of Boeing’s leaders—specifically, that senior Boeing executives sought to “punish” union employees and to “threaten” them for

their past and possible future strikes, through the Company's statements and its location of the second final assembly line in South Carolina.

The *New York Times* quotes you as saying that Boeing "had a *consistent message* that [the Company and its Executives] were doing this to *punish* their employees for having struck and having the power to strike in the future." (Steven Greenhouse, *Labor Board Case Against Boeing Points to Fights to Come*, New York Times, April 23, 2010, emphasis added.) Neither your complaint nor the post-hoc statements you and other officials of the NLRB have made since the filing of the complaint offers a single Boeing statement—let alone a "consistent message"—that Boeing acted to "punish" its employees, and, needless to say, you offer no evidence of this in your national media interview either.



The complaint alleges that Boeing Commercial Airplanes CEO Jim Albaugh stated that Boeing "decided to locate its 787 Dreamliner second line in South Carolina because of past Unit strikes, and threatened the loss of future Unit work opportunities because of such strikes." (Complaint ¶6(e).) The complaint cites a March 2, 2010 interview of Mr. Albaugh by the Seattle Times, but does not purport to be quoting any particular statement. The NLRB's website, however, offers a "fact sheet" that quotes Mr. Albaugh as saying: "The overriding factor [in transferring the line] was not the business climate. And it was not the wages we're paying today. It was that we cannot afford to have a work stoppage, you know, every three years." <http://nlrb.gov/node/443>

It would, of course, have been entirely permissible under existing law for Mr. Albaugh to have made a statement that the Company considered the economic costs of future strikes in its business decision to locate work in South Carolina—or even that it was the sole reason for such decision. But Mr. Albaugh did not even say either of these things. Mr. Albaugh's full statement was as follows:

Well I think you can probably say that about all the states in the country right now with the economy being what it is. But again, the overriding factor was not the business climate and it was not the wages we're paying people today. It was that we can't afford to have a work stoppage every three years. *We can't afford to continue the rate of escalation of wages as we have in the past. You know, those are the overriding factors. And my bias was to stay here but we could not get those two issues done despite the best efforts of the Union and the best efforts of the company.*

The italicized sentences—which were deliberately omitted from your office's presentation of this quotation on its website—make clear that Mr. Albaugh was referencing two, rather than one, "overriding factors," only one of which is the risk of a future strike. These are critical omissions that directly contradict your apparent theory of this case.



Moreover, no reasonable reader of Mr. Albaugh's interview would depict it as part of a "consistent message" that Boeing sought to "punish" its union employees. Mr. Albaugh expresses his "bias" in favor of Puget Sound and lauds the good-faith efforts of both sides. He explains that the company's preference was to locate the new production line in Puget Sound and that both the company and the union made good-faith efforts to accomplish that shared objective. Thus, when not misquoted, it is not even arguable that Mr. Albaugh's statement constitutes a "message" of "punishment" to the union for its past or future strike capability.

The complaint's attempt to depict a statement by Jim McNerney, Boeing's Chairman and Chief Executive Officer, as a threat to punish union employees is but another example of mischaracterization. The complaint alleges that Mr. McNerney "made an extended statement regarding 'diversifying [Boeing's] labor pool and labor relationship,' and moving the 787 Dreamliner work to South Carolina *due to* 'strikes happening every three to four years in Puget Sound.'" (Complaint ¶6(a) (emphasis added).)

He did not say that at all. The allegation is a sleight-of-hand in two obvious respects, accomplished by the selective misquotation of Mr. McNerney's actual statements. First, Mr. McNerney was *not* making an "extended statement" about *why* Boeing selected Charleston. He was responding to a reporter's question about the cost of potentially locating a new assembly line in Charleston. And in fact, the decision to locate the new final assembly line in South Carolina had not even been made at the time Mr. McNerney's statements were made. Second, Mr. McNerney answered only the question as to comparative costs that was asked. Thus, in the passages you misquote and mischaracterize, he discussed the relative costs of a new facility in a location other than Puget Sound, versus the potential costs associated with "strikes happening every three to four years in Puget Sound." He did not say, as you allege through the complaint's misquotation, that Boeing selected Charleston "due to" strikes.

And Mr. McNerney did not even remotely suggest that what would later turn out to be the decision to open a new line in Charleston was *in retaliation* for such strikes, as you would have to establish to obtain the remedies you seek in your complaint. He did not say, he did not suggest, and he did not imply in any respect that Boeing intended to punish union employees or that a decision to locate a new facility other than in Puget Sound would or might be made to punish the union for past strikes or because of their power to strike in the future. Neither did he say, suggest, or imply that any existing union work was being transferred to Charleston. His answer cannot be cited in support of the legal theories in the complaint, much less the sweeping statement you made to the *New York Times* about Boeing's "consistent message" that Boeing and its executives sought to "punish" the Company's union employees.

Finally, Mr. McNerney's answer to a reporter's question *was not* "posted on Boeing's intranet website for all employees," much less posted for the purpose of

sending an illegal message under the NLRA, as the complaint incorrectly and misleadingly suggests.



Nor do any of the other few statements you reference in your complaint—which I attach to this letter—remotely suggest an intent to “punish” the Company’s unionized employees. Quite the contrary: these statements show, at most, that the Company considered (among multiple other factors) the risk and potential costs of future strikes in deciding where to locate its new final assembly facility. Those have been deemed permissible considerations by an unbroken line of Supreme Court and NLRB precedent for 45 years. Not only that, but, as you know, Boeing reached out to the IAM in an effort to secure a long-term agreement that would have resulted in placing the second line in Puget Sound. Although those negotiations were not successful, that effort alone defeats your wholly unsupported claim that Boeing executives sent a “consistent message” that Boeing’s decision was intended to “punish” the union for past strikes.

What you said to a national newspaper, that Boeing made a billion-dollar decision to “punish” its employees, is a very serious—indeed, intentionally provocative—allegation against Boeing’s leaders. Those leaders are deeply committed to all of the men and women who work for the Company, those represented by unions and those who are not. Your statement implies that Boeing’s most senior executives acted out of personal spite and retribution toward its labor union, as opposed to acting in the interests of the Company, the Company’s employees, and the Company’s shareholders. You have no support for that statement whatsoever.

Your Statement That Boeing’s Statements And Actions Were So Demonstrably Unlawful That You Were Compelled To File The Complaint

You also told the *New York Times* that, given the Company’s so-called “consistent message” that the Company intended to “punish” the union for its prior strikes and its power to strike in the future, you had no choice but to issue a complaint. (Specifically, you said: “I can’t not issue a complaint in the face of such evidence.”) Among other reasons, that statement is puzzling, to say the least, in light of the course of Boeing’s discussions with you and your office concerning this matter over the past six months. In particular, it is hard to reconcile with what has been your repeated statement that you did not believe this was a matter in which the NLRB should be involved and that you would take no action on the matter if Boeing agreed that it would not lay off any 787 employees in Puget Sound during the duration of its collective bargaining agreement with the IAM.

We of course understand that you reversed your position and abandoned the agreement that you yourself sought from Boeing after your further discussions with the complainant. But the point is this: It is exceedingly difficult to understand how you could have proposed and then agreed to such a resolution if, as you now say, you believed that the statements and actions by Boeing and its executives were so

egregious that the law literally compelled a complaint by the NLRB. Of course, the law compelled no such thing.

Your Statement That The Complaint Does Not Seek To Close Charleston



Finally, there is the issue of your articulation of the remedy sought in this complaint. The complaint seeks an order directing Boeing to "have the [IAM] operate [Boeing's] second line of 787 Dreamliner aircraft assembly production in the State of Washington." Notwithstanding that you are seeking this remedy, your office has been at pains since filing the complaint to state publicly that this is not equivalent to an order that Boeing "close its operations in South Carolina." *Fact Check*, available at www.nlr.gov (post of April 26, 2011). We and the public would be interested to hear your explanation as to why you believe that to be the case. Boeing's current plan is to produce a maximum of ten 787s per month: seven in Puget Sound, and three on the second line in Charleston. If the NLRB were to order Boeing to produce out of Puget Sound the three 787s per month that are planned to be assembled in Charleston, that would of course require the production of all of the Company's planned 787 production capacity in Puget Sound. That fact was explained repeatedly to you and your staff in our extended discussions before you filed the complaint.

* * * * *

Boeing intends to put this pattern of misquotations and mischaracterizations before the Administrative Law Judge, and ultimately, before the National Labor Relations Board itself in upcoming proceedings, Mr. Solomon. To the extent they reflect misunderstandings of the facts on your part, we would expect your prompt withdrawal of this complaint.

Sincerely yours,

A handwritten signature in black ink that reads "J. Michael Luttig". The signature is stylized with a large, looped 'J' and a trailing flourish.

J. Michael Luttig
Executive Vice President
& General Counsel
The Boeing Company

Attachment

Statements Referenced in the NLRB Complaint

6(a) - James McNerney, 2009 3rd Quarter Earnings Call, October 28, 2009

. . . . There would be execution challenges associated with that choice [of Charleston]. But keep in mind that we've got a pretty good-sized operation down in Charleston today. The -- there would be some duplication. We would obviously work to minimize that. But I think having said all of that, diversifying our labor pool and labor relationship, has some benefits. I think the union IAM and the Company have had trouble figuring it out between themselves over the last few contract discussions.

And I've got to figure out a way to reduce that risk to the Company. And so some of the modest inefficiencies, for example, associated with a move to Charleston, are certainly more than overcome by strikes happening every -- every three or four years in Puget Sound and the very negative financial impact of the Company, our balance sheet would be a lot stronger today had we not had a strike last year. Our customers would be a lot happier today, had we not had a strike last year. And the 787 program would be in better shape had we not. And so I don't blame -- I don't blame this totally on the union. We just haven't figured out a way, the mix doesn't -- isn't working well, yet. So we've either got to satisfactory satisfy ourselves the mix isn't different or we have to diversify our labor base.

6(b) - "787 Second Line Questions and Answers," 10/28/09

Q3: Was one site a higher cost than the other?

A: All things taken into account, this decision will provide economic advantages by improving our competitiveness and reducing vulnerability to delivery disruptions due to a host of factors, from natural disasters to homeland security issues and work stoppages. We're electing not to get into how individual sites fared in specific areas of the evaluation.

* * * * *

Q8: We understand you were pushing the union for a no-strike agreement and came close to getting a 10-year deal. Obviously you didn't reach an agreement. Was that the factor that tipped the decision?

A: It was an important part of our discussion with the union, but it wasn't the only factor in our decision. In the final analysis, this came down to ensuring our long-term global competitiveness and diversifying the company to protect against the risk of production disruptions that can occur for a variety of reasons, from natural disasters, to homeland security threats, to work stoppages. While we didn't reach a long-term agreement, we felt our discussions with the IAM were productive and focused on the

right things -- global competitiveness (including emerging competitors), and ways to sustain a reliable, on-time flow of deliveries to our customers. We look forward to moving forward with the IAM in a positive way to grow our business in an increasingly competitive market.

* * * * *

Q26: You say that having a second line in Charleston reduces risk, but if the IAM goes on strike in the Puget Sound again they will halt your production lines. What does a second line in another state really do for you then?

A: Geographically diversifying final assembly on the 787 will protect a portion of deliveries against disruption from both natural and man-made events, including work stoppages due to labor disputes. Having the second line will also give us assurance and flexibility in how we introduce derivatives such as the 787-9.

6(c) - *Seattle Times* article, December 7, 2009

Boeing spokesman Jim Proulx cited strikes in the Puget Sound region as a major factor in the decision. With a second supplier for every part, Boeing potentially could continue producing Dreamliners in South Carolina even if the Machinists went on strike here.

"Repeated labor disruptions have affected our performance in our customers' eyes," Proulx said. "We have to show our customers we can be a reliable supplier to them." The second production line "has to be able to go on regardless of what's happening over here," he added.

* * * * *

Ray Conner, vice president and general manager of supply-chain management and operations, sent a message Monday informing all Boeing Commercial Airplanes managers of the dual-sourcing decision.

"We will immediately begin identifying, selecting and contracting with suppliers to stand up fully operational coproduction by 2012," Conner's message said.

Proulx said Boeing has not determined how much work will be replicated within the company in the new Charleston facility and how much may go to outside suppliers.

When Boeing broke ground on its Charleston assembly line in November, the company disclosed extensive plans for other buildings at the facility. Among these is a "fin and rudder shop," which suggests the tail fin may be built at Boeing Charleston.

But Proulx said, "It's too soon to say what will go where."

He said the replication of parts sourcing also would “accommodate the ramp-up” required to shift to a planned rollout of 10 planes a month by the end of 2013.

* * * * *

Conner’s message said the union knew this was coming.

“We informed the (IAM) of our plans to begin dual sourcing during the company/union discussions preceding our decision to place the second 787 line in South Carolina,” Conner’s message to managers stated. “We remain committed to strengthening our working relationship with the union.”

* * * * *

Boeing’s Proulx said potential external suppliers are being assessed “based on capabilities, based on their ability to produce high-quality components and at the best value.”

“We’ll review supplier expertise, and we’ll ensure that the right level of training and oversight is in place to make sure the performance standards are met,” he said.

Conner’s message to managers emphasized the decision means duplication, not replacement, of work done in this region.

“We are not moving any work that Boeing employees are currently performing — we are just adding additional sources,” Conner said.

6(d) – *Puget Sound Business Journal* Article, December 8, 2009

“Dual-sourcing and co-production will allow us to maintain production stability and be a reliable supplier to our customers,” he said in the memo.

* * * * *

Boeing spokesman Jim Proulx said it was “too early” to tell if the new production will be contracted out or done by Boeing itself at the new South Carolina site, or elsewhere in the country.

He said this is not indicative of a wholesale movement of existing production away from this region.

“There will be no jobs lost as part of this move. There are no plans to take this work away,” he said.

6(e) -- Jim Albaugh Interview with the *Seattle Times*, March 2, 2010

Well I think you can probably say that about all the states in the country right now with the economy being what it is. But again, the overriding factor was not the business climate and it was not the wages we're paying people today. It was that we can't afford to have a work stoppage every three years. We can't afford to continue the rate of escalation of wages as we have in the past. You know, those are the overriding factors. And my bias was to stay here but we could not get those two issues done despite the best efforts of the Union and the best efforts of the company.

Microsoft Outlook

From: Kearney, Barry J.
Sent: Tuesday, May 03, 2011 4:23 PM
To: Solomon, Lafe E.; Mattina, Celeste J.; Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: Scan from a Xerox WorkCentre
Attachments: DOC.PDF

FOIA request from Judicial Watch on Boeing

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

From: Bridge, Diane L.
Sent: Tuesday, May 03, 2011 3:44 PM
To: Kearney, Barry J.
Subject: FW: Scan from a Xerox WorkCentre

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

From: XRX-Ops_Mgmt@nlrb.gov [mailto:XRX-Ops_Mgmt@nlrb.gov]
Sent: Tuesday, May 03, 2011 11:02 AM
To: Bridge, Diane L.
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

WorkCentre Location: HQ 10th Floor\ Operations Management
Device Name: XRX-Ops_Mgmt

For more information on Xerox products and solutions, please visit <http://www.xerox.com>



**Judicial
Watch**
*Because no one
is above the law!*

May 2, 2011

VIA CERTIFIED MAIL & FACSIMILE

Jacqueline Young
FOIA Officer
National Labor Relations Board
1099 14th Street, N.W., Room 10600
Washington, D.C. 20570



Re: Freedom of Information Act Request

Dear Ms. Young:

Pursuant to the provisions of the Freedom of Information Act (FOIA), 5 U.S.C. § 552, Judicial Watch, Inc. hereby requests that the National Labor Relations Board produce the following within twenty (20) business days:

1. Any and all communications with the White House relating to Boeing's plan to open a manufacturing plant in South Carolina.
2. Any and all communications with Boeing relating to their plan to open a manufacturing plant in South Carolina.
3. Any and all communications with the International Association of Machinists and Aerospace Workers relating to Boeing's plan to open a manufacturing plant in South Carolina.
4. Any and all communications with the American Federation of Labor – Congress of Industrial Organization (AFL-CIO) relating to Boeing's plan to open a manufacturing plant in South Carolina.

The time frame for this request runs from March 27, 2010 to April 21, 2011.

We call your attention to President Obama's January 21, 2009 Memorandum concerning the Freedom of Information Act, in which he states:

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA... The presumption of

425 Third St., SW, Suite 800, Washington, DC 20024 Tel: (202) 646-5172 or 1-888-593-8442
FAX: (202) 646-5199 Email: info@JudicialWatch.org www.JudicialWatch.org

National Labor Relations Board

May 2, 2011

Page 2 of 4

disclosure should be applied to all decisions involving FOIA.¹

President Obama adds that "The Freedom of Information Act should be administered with a clear presumption: In the case of doubt, openness prevails." Nevertheless, if any responsive record or portion thereof is claimed to be exempt from production under FOIA, please provide sufficient identifying information with respect to each allegedly exempt record or portion thereof to allow us to assess the propriety of the claimed exemption. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). In addition, any reasonably segregable portion of a responsive record must be provided, after redaction of any allegedly exempt material. 5 U.S.C. § 552(b).

For purposes of this request, the term "record" shall mean: (1) any written, printed, or typed material of any kind, including without limitation all correspondence, memoranda, notes, messages, letters, cards, facsimiles, papers, forms, telephone messages, diaries, schedules, calendars, chronological data, minutes, books, reports, charts, lists, ledgers, invoices, worksheets, receipts, returns, computer printouts, printed matter, prospectuses, statements, checks, statistics, surveys, affidavits, contracts, agreements, transcripts, magazine or newspaper articles, or press releases; (2) any electronically, magnetically, or mechanically stored material of any kind, including without limitation all electronic mail or e-mail; (3) any audio, aural, visual, or video records, recordings, or representations of any kind; (4) any graphic materials and data compilations from which information can be obtained; and (5) any materials using other means of preserving thought or expression.

Judicial Watch also hereby requests a waiver of both search and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) and 5 U.S.C. § 552(a)(4)(A)(iii). Judicial Watch is entitled to a waiver of search fees under 5 U.S.C. § 552(a)(4)(A)(ii)(II) because it is a member of the news media. See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). Judicial Watch has also been recognized as a member of the news media in other FOIA litigation. See *Judicial Watch, Inc. v. U.S. Department of Justice*, 133 F. Supp.2d 52 (D.D.C. 2000); and, *Judicial Watch, Inc. v. Dep't of Defense*, 2006 U.S. Dist. LEXIS 44003, *1 (D.D.C. June 28, 2006). Judicial Watch regularly obtains information about the operations and activities of government through FOIA and other means, uses its editorial skills to turn this information into distinct works, and publishes and disseminates these works to the public. It intends to do likewise with the records it receives in response to this request.

Judicial Watch also is entitled to a complete waiver of both search fees and duplication fees pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). Under this provision, records:

¹ President Barack Obama, "Memorandum for the Heads of Executive Departments and Agencies, Subject: Freedom of Information Act," January 21, 2009; <http://www.whitehouse.gov/the_press_office/FreedomofInformationAct>

May 2, 2011

Page 3 of 4

shall be furnished without any charge or at a charge reduced below the fees established under clause (ii) if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. 5 U.S.C. § 552(a)(4)(A)(iii).

In addition, if records are not produced within twenty (20) business days, Judicial Watch is entitled to a complete waiver of search and duplication fees under the OPEN Government Act of 2007, Section 6(b).

Judicial Watch is a 501(c)(3), not-for-profit, educational organization, and, by definition, it has no commercial purpose. Judicial Watch exists to educate the public about the operations and activities of government, as well as to increase public understanding about the importance of ethics and the rule of law in government. The particular records requested herein are sought as part of Judicial Watch's ongoing efforts to document the operations and activities of the federal government and to educate the public about these operations and activities. Once Judicial Watch obtains the requested records, it intends to analyze them and disseminate the results of its analysis, as well as the records themselves, as a special written report. Judicial Watch will also educate the public via radio programs, Judicial Watch's website, and/or newsletter, among other outlets. It also will make the records available to other members of the media or researchers upon request. Judicial Watch has a proven ability to disseminate information obtained through FOIA to the public, as demonstrated by its long-standing and continuing public outreach efforts.

Given these circumstances, Judicial Watch is entitled to a public interest fee waiver of both search costs and duplication costs. Nonetheless, in the event our request for a waiver of search and/or duplication costs is denied, Judicial Watch is willing to pay up to \$350.00 in search and/or duplication costs. Judicial Watch requests that it be contacted before any such costs are incurred, in order to prioritize search and duplication efforts.

In an effort to facilitate record production within the statutory time limit, Judicial Watch is willing to accept documents in electronic format (e.g. e-mail, .pdfs). When necessary, Judicial Watch will also accept the "rolling production" of documents.

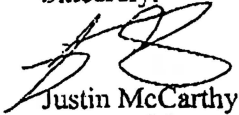
National Labor Relations Board

May 2, 2011

Page 4 of 4

If you do not understand this request or any portion thereof, or if you feel you require clarification, please contact us immediately at 202-646-5172 or jmccarthy@judicialwatch.org. We look forward to receiving the requested documents and a waiver of both search and duplication costs within twenty (20) business days. Thank you for your cooperation.

Sincerely,



Justin McCarthy
Judicial Watch

Microsoft Outlook

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 9:35 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW:
Attachments: Solomon letter with attachment - May 3, 2011.pdf; ATT00001..htm

Exemption 5, 7(A)

From: Solomon, Lafe E.
Sent: Tuesday, May 03, 2011 11:59 AM
To: Cleeland, Nancy; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme; Mattina, Celeste J.; Abruzzo, Jennifer; Ahearn, Richard L.; Garza, Jose
Subject: Fwd:

Sent from my mobile

Begin forwarded message:

From: "Luttig, Michael" <michael.luttig@boeing.com>
To: "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>

May 3, 2011



Lafe E. Solomon, Esquire
Acting General Counsel
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570-0001

Dear Mr. Solomon:

I write regarding statements in your complaint and elsewhere—including statements attributed to you in the *New York Times* on April 23—about Boeing's decision to place its new 787 final assembly line in South Carolina. A number of these statements, which are critical to your case against Boeing, fundamentally misquote or mischaracterize statements by Boeing executives and actions taken by the Company. You have a responsibility to correct these misquotations and mischaracterizations, for the public record and also for purposes of the complaint you have filed. Through these misquotations and mischaracterizations, you have done a grave disservice to The Boeing Company, its executives and shareholders, and to the 160,000 Boeing employees worldwide. And, of course, you have filed a complaint based upon these misstatements that cannot be credibly maintained under law.

Your Statement That Boeing "Transferred" Union Work

As an initial matter, repeated statements in the complaint allege that Boeing "removed work" from Puget Sound (§6), "decided to *transfer* its second 787 Dreamliner production line" to South Carolina (§7(a)), and "decided to *transfer* a sourcing supply program" to South Carolina (§8(a)). Your April 20 press release makes the same assertion: "The NLRB launched an investigation of the *transfer* of second line work in response to charges filed by the Machinists union and found reasonable cause to believe that Boeing had violated two sections of the National Labor Relations Act."

As you well know, no work—none at all—was "removed" or "transferred" from Puget Sound. The second line for the 787 is a new final assembly line. As it did not previously exist in Puget Sound or elsewhere, the second assembly line could not have been "removed" from, "transferred" or otherwise "moved" to South Carolina. Simply put, the work that is and will be done at our Charleston, South Carolina final assembly facility is new work, required and added in response to the historic customer demand for the 787. No member of the International Association of Machinists' union (IAM) in Puget Sound has lost his or her job, or otherwise suffered

any adverse employment action, as a result of the placement of this new work in the State of South Carolina.

Your own Regional Director, whose office you have tasked with prosecuting this case, understands that, and has accurately and publicly described the matter differently than you. As the Seattle Times reported last year, “Richard Ahearn, the NLRB regional director investigating the complaint, said it would have been an easier case for the union to argue if Boeing had moved existing work from Everett, rather than placing new work in Charleston.” Dominic Gates, *Machinists File Unfair Labor Charge Against Boeing over Charleston*, Seattle Times, June 4, 2010.



Since no actual work was “transferred,” it now appears that NLRB officials are already, via public statements, transforming the theory of the complaint to say that, because Boeing committed to the State of Washington that it would build all of the Company’s 787s in that state, the building of airplanes in South Carolina constitutes “transferred” work or work “removed.” Thus, on April 26, an NLRB spokeswoman, Nancy Cleeland, apparently told a news organization that “the charge that Boeing is transferring work away from union employees stems from the company’s original commitment ‘to the State of Washington that it would build the Dreamliner airplanes in this state.’”

The premise underlying that assertion—that Boeing committed to the State of Washington to build all of the Company’s 787s in Washington—is false. Boeing did not commit to the State of Washington that it would build all of its 787s in that state. Boeing honored—and fully—all of its contractual commitments to the State of Washington long before the decision to locate the Company’s new production facility in South Carolina. The notion that Boeing had somehow committed to Washington State to build all 787s in that state is neither mentioned nor even suggested either in the IAM’s charge or in your recently filed complaint, and you never asserted that Boeing had made such contractual commitments to the State of Washington in the several discussions we have had with you in the months preceding your filing of the complaint. Had you done so, we would have explained to you why such an understanding was plainly incorrect. I call upon you to quickly and fully correct the record on this point. In addition to being wholly uninformed, it creates the impression that you and your office are now in search of a theory that will support a predetermined outcome, even a theory that has nothing to do with the National Labor Relations Act.

Your Statement That Boeing Sought To “Punish” Union Employees

Mischaracterizing what Boeing did by calling it a “transfer” of work, or suggesting that Boeing broke commitments to the State of Washington, is bad enough. Far more egregious, however, are the statements that have been made concerning the motives and intent of Boeing’s leaders—specifically, that senior Boeing executives sought to “punish” union employees and to “threaten” them for

their past and possible future strikes, through the Company's statements and its location of the second final assembly line in South Carolina.

The *New York Times* quotes you as saying that Boeing "had a *consistent message* that [the Company and its Executives] were doing this to *punish* their employees for having struck and having the power to strike in the future." (Steven Greenhouse, *Labor Board Case Against Boeing Points to Fights to Come*, New York Times, April 23, 2010, emphasis added.) Neither your complaint nor the post-hoc statements you and other officials of the NLRB have made since the filing of the complaint offers a single Boeing statement—let alone a "consistent message"—that Boeing acted to "punish" its employees, and, needless to say, you offer no evidence of this in your national media interview either.



The complaint alleges that Boeing Commercial Airplanes CEO Jim Albaugh stated that Boeing "decided to locate its 787 Dreamliner second line in South Carolina because of past Unit strikes, and threatened the loss of future Unit work opportunities because of such strikes." (Complaint ¶6(e).) The complaint cites a March 2, 2010 interview of Mr. Albaugh by the Seattle Times, but does not purport to be quoting any particular statement. The NLRB's website, however, offers a "fact sheet" that quotes Mr. Albaugh as saying: "The overriding factor [in transferring the line] was not the business climate. And it was not the wages we're paying today. It was that we cannot afford to have a work stoppage, you know, every three years." <http://nlrb.gov/node/443>

It would, of course, have been entirely permissible under existing law for Mr. Albaugh to have made a statement that the Company considered the economic costs of future strikes in its business decision to locate work in South Carolina—or even that it was the sole reason for such decision. But Mr. Albaugh did not even say either of these things. Mr. Albaugh's full statement was as follows:

Well I think you can probably say that about all the states in the country right now with the economy being what it is. But again, the overriding factor was not the business climate and it was not the wages we're paying people today. It was that we can't afford to have a work stoppage every three years. *We can't afford to continue the rate of escalation of wages as we have in the past. You know, those are the overriding factors. And my bias was to stay here but we could not get those two issues done despite the best efforts of the Union and the best efforts of the company.*

The italicized sentences—which were deliberately omitted from your office's presentation of this quotation on its website—make clear that Mr. Albaugh was referencing two, rather than one, "overriding factors," only one of which is the risk of a future strike. These are critical omissions that directly contradict your apparent theory of this case.



Moreover, no reasonable reader of Mr. Albaugh's interview would depict it as part of a "consistent message" that Boeing sought to "punish" its union employees. Mr. Albaugh expresses his "bias" in favor of Puget Sound and lauds the good-faith efforts of both sides. He explains that the company's preference was to locate the new production line in Puget Sound and that both the company and the union made good-faith efforts to accomplish that shared objective. Thus, when not misquoted, it is not even arguable that Mr. Albaugh's statement constitutes a "message" of "punishment" to the union for its past or future strike capability.

The complaint's attempt to depict a statement by Jim McNerney, Boeing's Chairman and Chief Executive Officer, as a threat to punish union employees is but another example of mischaracterization. The complaint alleges that Mr. McNerney "made an extended statement regarding 'diversifying [Boeing's] labor pool and labor relationship,' and moving the 787 Dreamliner work to South Carolina *due to* 'strikes happening every three to four years in Puget Sound.'" (Complaint ¶6(a) (emphasis added).)

He did not say that at all. The allegation is a sleight-of-hand in two obvious respects, accomplished by the selective misquotation of Mr. McNerney's actual statements. First, Mr. McNerney was *not* making an "extended statement" about *why* Boeing selected Charleston. He was responding to a reporter's question about the cost of potentially locating a new assembly line in Charleston. And in fact, the decision to locate the new final assembly line in South Carolina had not even been made at the time Mr. McNerney's statements were made. Second, Mr. McNerney answered only the question as to comparative costs that was asked. Thus, in the passages you misquote and mischaracterize, he discussed the relative costs of a new facility in a location other than Puget Sound, versus the potential costs associated with "strikes happening every three to four years in Puget Sound." He did not say, as you allege through the complaint's misquotation, that Boeing selected Charleston "due to" strikes.

And Mr. McNerney did not even remotely suggest that what would later turn out to be the decision to open a new line in Charleston was *in retaliation* for such strikes, as you would have to establish to obtain the remedies you seek in your complaint. He did not say, he did not suggest, and he did not imply in any respect that Boeing intended to punish union employees or that a decision to locate a new facility other than in Puget Sound would or might be made to punish the union for past strikes or because of their power to strike in the future. Neither did he say, suggest, or imply that any existing union work was being transferred to Charleston. His answer cannot be cited in support of the legal theories in the complaint, much less the sweeping statement you made to the *New York Times* about Boeing's "consistent message" that Boeing and its executives sought to "punish" the Company's union employees.

Finally, Mr. McNerney's answer to a reporter's question *was not* "posted on Boeing's intranet website for all employees," much less posted for the purpose of

sending an illegal message under the NLRA, as the complaint incorrectly and misleadingly suggests.



Nor do any of the other few statements you reference in your complaint—which I attach to this letter—remotely suggest an intent to “punish” the Company’s unionized employees. Quite the contrary: these statements show, at most, that the Company considered (among multiple other factors) the risk and potential costs of future strikes in deciding where to locate its new final assembly facility. Those have been deemed permissible considerations by an unbroken line of Supreme Court and NLRB precedent for 45 years. Not only that, but, as you know, Boeing reached out to the IAM in an effort to secure a long-term agreement that would have resulted in placing the second line in Puget Sound. Although those negotiations were not successful, that effort alone defeats your wholly unsupported claim that Boeing executives sent a “consistent message” that Boeing’s decision was intended to “punish” the union for past strikes.

What you said to a national newspaper, that Boeing made a billion-dollar decision to “punish” its employees, is a very serious—indeed, intentionally provocative—allegation against Boeing’s leaders. Those leaders are deeply committed to all of the men and women who work for the Company, those represented by unions and those who are not. Your statement implies that Boeing’s most senior executives acted out of personal spite and retribution toward its labor union, as opposed to acting in the interests of the Company, the Company’s employees, and the Company’s shareholders. You have no support for that statement whatsoever.

Your Statement That Boeing’s Statements And Actions Were So Demonstrably Unlawful That You Were Compelled To File The Complaint

You also told the *New York Times* that, given the Company’s so-called “consistent message” that the Company intended to “punish” the union for its prior strikes and its power to strike in the future, you had no choice but to issue a complaint. (Specifically, you said: “I can’t not issue a complaint in the face of such evidence.”) Among other reasons, that statement is puzzling, to say the least, in light of the course of Boeing’s discussions with you and your office concerning this matter over the past six months. In particular, it is hard to reconcile with what has been your repeated statement that you did not believe this was a matter in which the NLRB should be involved and that you would take no action on the matter if Boeing agreed that it would not lay off any 787 employees in Puget Sound during the duration of its collective bargaining agreement with the IAM.

We of course understand that you reversed your position and abandoned the agreement that you yourself sought from Boeing after your further discussions with the complainant. But the point is this: It is exceedingly difficult to understand how you could have proposed and then agreed to such a resolution if, as you now say, you believed that the statements and actions by Boeing and its executives were so

egregious that the law literally compelled a complaint by the NLRB. Of course, the law compelled no such thing.

Your Statement That The Complaint Does Not Seek To Close Charleston



Finally, there is the issue of your articulation of the remedy sought in this complaint. The complaint seeks an order directing Boeing to "have the [IAM] operate [Boeing's] second line of 787 Dreamliner aircraft assembly production in the State of Washington." Notwithstanding that you are seeking this remedy, your office has been at pains since filing the complaint to state publicly that this is not equivalent to an order that Boeing "close its operations in South Carolina." *Fact Check*, available at www.nlr.gov (post of April 26, 2011). We and the public would be interested to hear your explanation as to why you believe that to be the case. Boeing's current plan is to produce a maximum of ten 787s per month: seven in Puget Sound, and three on the second line in Charleston. If the NLRB were to order Boeing to produce out of Puget Sound the three 787s per month that are planned to be assembled in Charleston, that would of course require the production of all of the Company's planned 787 production capacity in Puget Sound. That fact was explained repeatedly to you and your staff in our extended discussions before you filed the complaint.

* * * * *

Boeing intends to put this pattern of misquotations and mischaracterizations before the Administrative Law Judge, and ultimately, before the National Labor Relations Board itself in upcoming proceedings, Mr. Solomon. To the extent they reflect misunderstandings of the facts on your part, we would expect your prompt withdrawal of this complaint.

Sincerely yours,

A handwritten signature in black ink that reads "J. Michael Luttig".

J. Michael Luttig
Executive Vice President
& General Counsel
The Boeing Company

Attachment

Statements Referenced in the NLRB Complaint

6(a) - James McNerney, 2009 3rd Quarter Earnings Call, October 28, 2009

. . . . There would be execution challenges associated with that choice [of Charleston]. But keep in mind that we've got a pretty good-sized operation down in Charleston today. The -- there would be some duplication. We would obviously work to minimize that. But I think having said all of that, diversifying our labor pool and labor relationship, has some benefits. I think the union IAM and the Company have had trouble figuring it out between themselves over the last few contract discussions.

And I've got to figure out a way to reduce that risk to the Company. And so some of the modest inefficiencies, for example, associated with a move to Charleston, are certainly more than overcome by strikes happening every -- every three or four years in Puget Sound and the very negative financial impact of the Company, our balance sheet would be a lot stronger today had we not had a strike last year. Our customers would be a lot happier today, had we not had a strike last year. And the 787 program would be in better shape had we not. And so I don't blame -- I don't blame this totally on the union. We just haven't figured out a way, the mix doesn't -- isn't working well, yet. So we've either got to satisfactory satisfy ourselves the mix isn't different or we have to diversify our labor base.

6(b) - "787 Second Line Questions and Answers," 10/28/09

Q3: Was one site a higher cost than the other?

A: All things taken into account, this decision will provide economic advantages by improving our competitiveness and reducing vulnerability to delivery disruptions due to a host of factors, from natural disasters to homeland security issues and work stoppages. We're electing not to get into how individual sites fared in specific areas of the evaluation.

* * * * *

Q8: We understand you were pushing the union for a no-strike agreement and came close to getting a 10-year deal. Obviously you didn't reach an agreement. Was that the factor that tipped the decision?

A: It was an important part of our discussion with the union, but it wasn't the only factor in our decision. In the final analysis, this came down to ensuring our long-term global competitiveness and diversifying the company to protect against the risk of production disruptions that can occur for a variety of reasons, from natural disasters, to homeland security threats, to work stoppages. While we didn't reach a long-term agreement, we felt our discussions with the IAM were productive and focused on the

right things -- global competitiveness (including emerging competitors), and ways to sustain a reliable, on-time flow of deliveries to our customers. We look forward to moving forward with the IAM in a positive way to grow our business in an increasingly competitive market.

* * * * *

Q26: You say that having a second line in Charleston reduces risk, but if the IAM goes on strike in the Puget Sound again they will halt your production lines. What does a second line in another state really do for you then?

A: Geographically diversifying final assembly on the 787 will protect a portion of deliveries against disruption from both natural and man-made events, including work stoppages due to labor disputes. Having the second line will also give us assurance and flexibility in how we introduce derivatives such as the 787-9.

6(c) - *Seattle Times* article, December 7, 2009

Boeing spokesman Jim Proulx cited strikes in the Puget Sound region as a major factor in the decision. With a second supplier for every part, Boeing potentially could continue producing Dreamliners in South Carolina even if the Machinists went on strike here.

"Repeated labor disruptions have affected our performance in our customers' eyes," Proulx said. "We have to show our customers we can be a reliable supplier to them." The second production line "has to be able to go on regardless of what's happening over here," he added.

* * * * *

Ray Conner, vice president and general manager of supply-chain management and operations, sent a message Monday informing all Boeing Commercial Airplanes managers of the dual-sourcing decision.

"We will immediately begin identifying, selecting and contracting with suppliers to stand up fully operational coproduction by 2012," Conner's message said.

Proulx said Boeing has not determined how much work will be replicated within the company in the new Charleston facility and how much may go to outside suppliers.

When Boeing broke ground on its Charleston assembly line in November, the company disclosed extensive plans for other buildings at the facility. Among these is a "fin and rudder shop," which suggests the tail fin may be built at Boeing Charleston.

But Proulx said, "It's too soon to say what will go where."

He said the replication of parts sourcing also would “accommodate the ramp-up” required to shift to a planned rollout of 10 planes a month by the end of 2013.

* * * * *

Conner’s message said the union knew this was coming.

“We informed the (IAM) of our plans to begin dual sourcing during the company/union discussions preceding our decision to place the second 787 line in South Carolina,” Conner’s message to managers stated. “We remain committed to strengthening our working relationship with the union.”

* * * * *

Boeing’s Proulx said potential external suppliers are being assessed “based on capabilities, based on their ability to produce high-quality components and at the best value.”

“We’ll review supplier expertise, and we’ll ensure that the right level of training and oversight is in place to make sure the performance standards are met,” he said.

Conner’s message to managers emphasized the decision means duplication, not replacement, of work done in this region.

“We are not moving any work that Boeing employees are currently performing — we are just adding additional sources,” Conner said.

6(d) – *Puget Sound Business Journal* Article, December 8, 2009

“Dual-sourcing and co-production will allow us to maintain production stability and be a reliable supplier to our customers,” he said in the memo.

* * * * *

Boeing spokesman Jim Proulx said it was “too early” to tell if the new production will be contracted out or done by Boeing itself at the new South Carolina site, or elsewhere in the country.

He said this is not indicative of a wholesale movement of existing production away from this region.

“There will be no jobs lost as part of this move. There are no plans to take this work away,” he said.

6(e) -- Jim Albaugh Interview with the *Seattle Times*, March 2, 2010

Well I think you can probably say that about all the states in the country right now with the economy being what it is. But again, the overriding factor was not the business climate and it was not the wages we're paying people today. It was that we can't afford to have a work stoppage every three years. We can't afford to continue the rate of escalation of wages as we have in the past. You know, those are the overriding factors. And my bias was to stay here but we could not get those two issues done despite the best efforts of the Union and the best efforts of the company.

Microsoft Outlook

From: Kearney, Barry J.
Sent: Wednesday, May 04, 2011 2:49 PM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: NLRB story
Attachments: TNR-Judis_5-26-11.pdf

From: Cleeland, Nancy
Sent: Wednesday, May 04, 2011 2:40 PM
To: Solomon, Lafe E.; Ahearn, Richard L.; Kearney, Barry J.; Garza, Jose
Subject: FW: NLRB story

You might enjoy this one.

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlr.gov



Non-Responsive

symbolism is entirely to the point. The symbolism of this present raid says: History is not on bin Laden's side. History is on the side of democracy and freedom. History will not be deterred. Yes, we should ask ourselves: Does it make sense to speak about abstractions like "history"? Does the relentlessness of a man-hunt contain any deeper meanings at all? But there is an answer to these questions. The abstractions express a meaning if we choose to endow them with meaning. Ten years of relentless man-hunting suggest that we have chosen to do so.

Obama's speech on Sunday night was magnificent—although I wish he had mentioned the Iraq war, which, once we had overthrown Saddam, became a war directed largely against Al Qaeda, specifically the branch that was led by bin Laden's man in Mesopotamia, Abu Musab Al Zarqawi. The war against Zarqawi and

his movement became, for a while, a central front in the larger war between Al Qaeda's version of Islamism and America's version of liberal democracy.

But I am quibbling about the past. The president spoke eloquently enough about America's victory over bin Laden himself. The symbolism is unmistakable. The fantasy caliphate is not going to be created. The power of a democratic republic cannot be denied. That was the message. We are winning. Al Qaeda is losing. This is not just a matter of circumstance or luck. We have reason to bang our drums, and people all over the world, and especially in the Muslim world, have reason to respond with a feeling of hope for themselves and for everyone else. Or rather, we are right to believe this, and other people are right to believe likewise, so long as we continue to choose to be relentless.

PAUL BERMAN

Labor Intensive

The most radical thing the Obama administration has done.

ON APRIL 20, Lafe Solomon, the acting general counsel of the National Labor Relations Board (NLRB), issued a complaint against Boeing. Two years ago, the company had announced it was transferring the production of 2,000 airplanes from a unionized plant in Puget Sound, Washington, to a non-union plant outside Charleston, South Carolina. According to Solomon's complaint, what made this decision illegal was the company's motive. High-level Boeing officials had stated publicly that the move was being made in response to strikes—four over the previous two decades—led by the machinists' union at the Puget Sound facility. If Boeing had said the move was dictated by costs or by the weather, the NLRB would not have cried foul.

Forty or fifty years ago, these kinds of cases were common. Now, there are fewer of them—but not because companies are better-behaved. Ever since the Reagan administration, which crippled the NLRB, companies have been free to operate with impunity, moving plants or simply threatening to do so in order to quell organizing efforts. That's why Solomon's complaint, which might have gone unnoticed a generation ago, may be the most radical thing the Obama administration has done.

THE NLRB'S COMPLAINT has, predictably, provoked howls of outrage from

the Chamber of Commerce, the National Association of Manufacturers, and Boeing itself, which called it "legally frivolous." Nine Republican attorneys general have demanded that the NLRB withdraw the complaint, while others on the right have suggested darkly that the agency's real motives are political. "This is nothing more than a political favor for the unions who are supporting President Obama's reelection campaign," charged South Carolina Republican Senator Jim DeMint.

In fact, the President and the White House had nothing to do with the decision. As for Solomon, he is a 39-year civil servant with no history of labor militancy. His complaint stems from a fairly uncontroversial reading of the 1935 National Labor Relations Act (NLRA), and its subsequent interpretation by the courts, according to Karl Klare of Northeastern University's School of Law. Under the NLRA, employers are guilty of an "unfair labor practice" if they "interfere with, restrain, or coerce employees" in the exercise of their right to "form, join or assist labor organizations, to bargain collectively ... and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection." That means it's illegal for a business to threaten or penalize workers for seeking to organize a union or going on strike.

According to Solomon's complaint, there is compelling evidence that Boeing did just that. Solomon cited five public statements by Boeing top executives

saying that they were transferring the jobs to South Carolina to avoid strikes. For instance, on October 21, 2009, Boeing CEO Jim McNerney posted a statement on the company's intranet, which is accessible to all employees, attributing the decision to "strikes happening every three or four years in Puget Sound." Such a comment can be seen as an attempt to interfere with the right to strike: It implies that if employees do so, they will lose work to non-unionized plants in other states.

Solomon's complaint is not a ruling, but is instead more akin to a criminal indictment, in that it merely seeks to establish whether there are reasonable grounds for believing an employer has committed an unfair labor practice. By that standard, the complaint is entirely fair. It sets in motion a trial by an administrative law judge in Seattle on June 14. The loser can appeal that decision to the NLRB, whose decision can in turn be appealed before a federal court.

If the case goes that far, Boeing stands a decent chance of prevailing. To win, the NLRB would need to show that Boeing executives intended their words to have a chilling effect on the machinists' rights—but sinister motives are notoriously difficult to prove, even when statements like those of McNerney are in the public record. Ultimately, the case's fate may rest with the political inclinations of the judges. In a 1982 case, *Weather Tamer v. NLRB*, judges on the generally conservative eleventh circuit threw out an NLRB ruling against an employer. The court had been presented with a record of a supervisor stating that if workers joined a union, the company would close the plant but ruled that this statement was not "sufficient to establish a motive to chill unionism."

BUSINESS GROUPS claim that if Boeing loses, no company will be free to hire or fire workers without second-guessing from the NLRB. But there's another, unstated, reason why Republicans and conservatives are so worried about this case. Since the passage of the Taft-Hartley law in 1947, which allowed states to pass right-to-work laws making union organization more difficult, the South and parts of the Rocky

Mountain and Prairie West have become a haven for private firms attempting to avoid unionization. That has had a profound political impact.

The popularity of New Deal liberalism—from the NLRA to Social Security,



ANTHONY RUSSO



the minimum wage, and progressive taxation—was rooted in the unionized and primarily white working class of the North. That working class has been decimated by the movement of private manufacturing firms to non-union states and overseas. It has been supplanted politically by a private sector non-union working class more attuned to divisions of race and religion than of class. That, and the white Southern backlash to the civil rights movement, were major factors in the growth of a new Republican conservatism—and in America's tilt rightward over the last thirty years.

The Boeing case, then, isn't just about corporate prerogatives. It's also about the future of American politics. With Solomon's complaint, the NLRB has taken a small but definite step toward restoring an earlier America—one where politics wasn't dominated by the Chamber of Commerce or demagogues like Jim DeMint, and workers had rights that mattered.

JOHN B. JUDIS

Town and Country

Sderot and the future of Israel.

IN APRIL, the southern Israeli town of Sderot hosted its eighth annual French film festival, which was an achievement more impressive than it sounds. Sderot is a small town, and it is also a poor one; it has only 20,000 residents, many of them immigrants from former Soviet Asian republics.

But Sderot's biggest challenge may be the missiles. For the past ten years, not long after the beginning of the Second Intifada in 2000, Hamas has launched thousands of Qassam missiles over the border from Gaza, barely a mile away. Qassams are typically homemade—70 pounds of steel inserted with nails and bolts, as in the bombs used in suicide attacks. When a strike is imminent, a calm female voice announces over loudspeakers, "Color Red, Color Red," giving residents 15 seconds to run to one of the many shelters around town.

Some two-dozen residents of Sderot

and the surrounding area have been killed in attacks over the past decade, and hundreds have been wounded. But the rockets' true threat is their ability to terrorize. Much of Sderot's middle class has left. Thousands of residents have been treated for trauma; a generation of children suffers from stuttering and bed-wetting. Sderot, then, is Israel's nightmare—the anti-Tel Aviv. Here there is no pretending you can avoid the siege.

After the Gaza war of 2009, the assaults became less frequent, but missiles still fall intermittently. When that happens, the Sderot Cinematheque moves screenings to a smaller theater with thicker walls and a steel roof. Invariably, attendance declines, sometimes for days or even weeks. Still, Benny Cohen, the Cinematheque's director, insists on running the theater as though it were in Tel Aviv. For him, the Cinematheque is part of Sderot's battle for survival, and so he is constantly devising new projects and inviting foreign directors to town, such as the Coen brothers, who are coming to Israel for all of one day this month. His next big event is a film festival about peripheral areas around the world. "It's the only free festival in Israel," he says proudly. "You must come—it will be a real celebration."

SDEROT HAS LONG HAD a history of improbable cultural vitality. "It looks like a dump, but there's so much creativity here," says Laura Bialis, a documentary filmmaker from Los Angeles who moved to Sderot almost four years ago. "Every teenager I met seemed to want to be a rock singer or an actor." She decided to make a film about Sderot's rock musicians, and fell in love with one of them, Avi Vaknin, who proposed to her in an air raid shelter. "There wasn't a Qassam attack," she explains. "Avi was just being dramatic."

The guiding spirit of Sderot's rock scene is Chaim Uliel, whose band, Sfayim (Lips), brought Moroccan music into the mainstream in the late 1980s and nurtured a generation of local musicians. They went on to found bands like Tipex (White Out) and Knesiyat Hasechel (Cathedral of the Mind), which created a fusion between Western rock and Sephardic ethnic music. Don't just mimic Western trends, Uliel urged his protégés, take the music you know from the synagogue and the home.

Two years ago, however, Uliel left Sderot and moved to a town near Tel Aviv. The news was so shocking that the country's largest newspaper, *Yediot Aharonot*, devoted the cover of its weekend magazine to an interview with Uliel, "the

Microsoft Outlook

From: Kearney, Barry J.
Sent: Thursday, May 05, 2011 7:54 AM
To: Farrell, Ellen; Sophir, Jayme; Szapiro, Miriam; Willen, Debra L
Subject: FW: IAM press release
Attachments: 2011_05_04 Press Release.pdf; ATT00001..txt

Hooray for the red, white , and blue

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

From: rich ahearn [REDACTED] *Exemption 6 - Privacy*
Sent: Wednesday, May 04, 2011 9:35 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Kearney, Barry J.
Subject: Fwd: IAM press release

FYI

Begin forwarded message:

Labor News

Contact: Connie Kelliher 206-764-0343 office, 206-755-8575 cell
Bryan Corliss 206-764-0357 office, 425-327-3512 cell



FOR IMMEDIATE RELEASE: May 4, 2011

Boeing Uses Clout to Block Federal Law Enforcement Action

The Boeing Company has long been a top spender in the Washington legislature to gain low tax rates and other corporate benefits. Now it is trying to use its clout in the other Washington to intimidate and coerce the federal agency investigating Boeing's unlawful retaliation against its workers in the Puget Sound.

On April 20, the National Labor Relations Board, which is charged with protecting workers' rights to engage in collective bargaining, issued a complaint against Boeing for retaliating against its workers who engaged in collective activity by moving part of their work on the new 787 Dreamliner to another state. Boeing publicly admitted that its primary motive was because of its workers' exercise of their rights.

Yesterday, in an unprecedented attack on a federal law enforcement agency, Boeing's top lawyer sent a 10-page public rant to the agency, attacking and demanding that the agency's law enforcement efforts be withdrawn. Such a letter is highly unusual, as it seeks to undermine the Agency's authority to perform its statutory duties. Typically, employers charged by the Agency make their defenses at a legal hearing, which has already been scheduled, and do not seek to take down the Agency itself.

Then, ten U.S. Senators friendly to Boeing's anti-worker message challenged the chief law enforcement officer of the agency. That public official, a 39-year career attorney at the agency with no ties to organized labor, is up for confirmation in the U.S. Senate later this year.

"In my 28 years of practicing labor law, I have never seen an employer use these types of overtly political tactics to avoid a legal proceeding," said David Campbell, IAM District 751 lawyer. "Rather than face the music at the June 14 hearing, the Boeing Company is apparently trying to kill the case politically. This tactic shows all too clearly how desperate the Company is to avoid litigating the merits of a case it knows it will lose."

The NLRB's case against Boeing rests upon Boeing's own admissions that it sought to avoid lawful collective activity in Washington state. While Boeing claims that it is free to take

whatever action it thinks may be necessary to avoid collective bargaining and strike activity, that is simply not the law. Just as the law prohibits discrimination against whistleblowers or workers who take family leave, America's laws protect workers who engage in collective activity.

This case presents a simple issue: Do big companies have to obey the law? If employers can retaliate against workers who exercise rights that are protected by law, then those rights will be gone. The NLRB's long-term professional Regional Staff, National Office of Advice and General Counsel reviewed this case for a year, found convincing merit, and issued a complaint. The hearing should continue according to its rules like any law enforcement process.

If, as Boeing claims, the case is frivolous, it will have the opportunity to present its argument before a judge on June 14 in Seattle. It can appeal the judge's decision to members of the National Labor Relations Board. If it is still unsatisfied, it can appeal to the federal courts.

Instead of following the rule of law, Boeing is using its tremendous political clout to try to stop the actions of an independent federal law enforcement agency. Such tactics might work in corrupt nations where money – not the law – rules, but should not here in America.

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