

NLRB Political "Tit For Tat" Continues

July 24, 2012 | [Labor Relations](#)



Keith J. Brodie
Partner

Another Obama recess appointment to the NLRB is drawing Congressional scrutiny in recent days, in a continuation of the behind-the-scenes politicking between the Administration and certain Congressional members. As we have reported previously, Republican Board Member Terrance Flynn [resigned in May](#) in the wake of allegations of inappropriate communications during his time as Chief Counsel for Board Member Brian Hayes. Now Senator Orin Hatch, a prominent Utah Republican, has set his sights on Democratic Board Member Richard Griffin. Prior to being appointed to the Board by President Obama in January, Mr. Griffin was General Counsel of the International Union of Operating Engineers.

In a letter sent to Mr. Griffin on July 18, Senator Hatch raises questions about Mr. Griffin's actions during his time as General Counsel for the union, specifically requesting information about his role in defending IUOE union officials accused of fraud and extortion, an area that he claims would have been investigated in detail at Mr. Griffin's confirmation hearing in front of the Senate, if not for President Obama's actions in appointing Mr. Griffin as a recess appointment. It remains to be seen whether Member Griffin will actually respond to Senator Hatch's questions. But Senator Hatch's letter illustrates that the Board is likely to continue to be closely scrutinized by Congress, especially as the election season progresses, and that the political "tit for tat" is likely to continue.

Senator Hatch's letter to Mr. Griffin is [available here](#) (PDF).

RELATED PRACTICE AREAS

Labor and Employment
Labor Relations