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Wolf Guarding The Hen House? Group Demands Investigation Into NLRB's Inspector General.

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The Inspector General of the National Labor Relations Board (NLRB) has had a busy 2018, as he has had to investigate at least two members for alleged improper conduct. The first investigation involved Member Emanuel and allegations he should have recused himself from a case last year dealing with joint-employer status under the National Labor Relations Act due to a purported conflict of interest. The second investigation involves Member Pearce and an allegation he unlawfully disclosed details on the case in which Member Emanuel allegedly should not have participated. According to a press release by the National Right to Work Foundation (NRTWF) and a report by *Bloomberg BNA*, the NRTWF Is making a formal request to the Council of Inspectors General on Integrity and Efficiency (CIGIE) – the body that oversees federal agency inspector generals – to "review apparent wrongdoing by the Inspector General of the National Labor Relations Board." Specifically, the NRTWF believes the investigation into Member Emanuel was flawed, as the press release states: "Inspector General Berry's February 9 report, and a follow-up report dated March 20, were both made public without redactions of the NLRB's internal deliberative communications. In 2012, then-NLRB Member Terence Flynn resigned after Inspector General Berry issued a report that said that Flynn had improperly shared information regarding the Board's deliberative process. The Foundation is asking the CIGIE to investigate whether Inspector General Berry himself disseminated confidential NLRB deliberations and improperly disclosed to people outside the NLRB that he was investigating Member Emanuel." The press release further cites prior actions by the NLRB's Inspector General that appear to be potentially inconsistent with the decision on Member Emanuel's alleged conflict of interest: "Whether regarding recusals or the disclosure of internal Board deliberations, Inspector General Berry appears to apply different standards to different people. Despite his tenuous findings regarding recusals for Member Emanuel, just a few years ago Berry gave the green light to Obama appointee and former Service Employees International Union [SEIU] lawyer Craig Becker to participate in cases involving the SEIU and its affiliates … Now both Berry and NLRB Member Pearce appear to have publicly disclosed information regarding the Board's internal deliberative process, even though Berry's own report in 2012 condemned former Member Flynn for doing the same thing." Things are heating up on this front at the labor board. We'll see what becomes of the NRTWF's request to the CIGIE. Further, there may be more similar issues on the horizon for the agency, as additional conflicts of interest arguments have been raised recently. Stay tuned.

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