

# One Minute Memo<sup>®</sup>



January 4, 2012

## NLRB Recess Appointments

With the end of Craig Becker's term yesterday the National Labor Relations Board ("NLRB") had only two members -- Chairman Mark Pearce, a Democrat and Member Brian Hayes, a Republican. Therefore, consistent with the National Labor Relations Act ("Act") and the Supreme Court's decision in *New Process Steel* (see that alert [here](#)) the NLRB lacked a quorum and could not issue decisions. As a result, notwithstanding a December 19, 2011 letter signed by all 47 Senate Republicans opposing any recess appointments to the NLRB, this afternoon President Obama announced his intent to grant recess appointments of three individuals who have been nominated to fill the vacant seats on the NLRB.

President Obama announced his intention to grant the recess appointments of Richard F. Griffin and Sharon Block, both Democrats.

Griffin currently is the General Counsel of the International Union of Operating Engineers ("IUOE") and was nominated for a five-year term expiring August 27, 2016. Griffin would fill a board vacancy created with the expiration of former Chairman Wilma Liebman's term on August 27, 2011. In addition to being General Counsel of the IUOE, Griffin is on the Board of Directors for the AFL-CIO Lawyers Coordinating Committee. Griffin began his career as a Staff Attorney for former NLRB Chairman John Fanning.

Sharon Block currently is the Labor Department's Deputy Assistant Secretary for Congressional Affairs and was nominated to fill the Board vacancy created by the departure of Craig Becker for the balance of a five-year term expiring Dec. 16, 2014. Prior to her current position Block served from 2006 to 2009 as Senior Labor and Employment Counsel for the Senate Health, Education, Labor, and Pensions Committee, where she worked for the late Sen. Edward M. Kennedy. Block also worked as a Senior Attorney to former NLRB Chairman Robert Battista from 2003 to 2006 and as an Attorney in the NLRB Appellate Court branch from 1996 to 2003.

President Obama also announced his intention to grant a recess appointment of Terence F. Flynn who had been nominated on January 5, 2011 to fill the second Republican vacancy on the NLRB. Flynn currently is Chief Counsel to Member Brian Hayes and served in the same capacity for former Republican member Peter Schaumber. Prior to his position at the NLRB, Flynn was an attorney in private practice.

It is expected that with the appointments of Griffin and Block, the NLRB will continue with its union friendly agenda.

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