



NLRB Acting General Counsel Solomon Ends Case Against Boeing; Other Challenges Lie Ahead for NLRB

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By **Chris Johlle**

The National Labor Relations Board often toils in anonymity and regularly enjoys periods of time during which no one pays much attention to what it does or the identity of its members. Over the past two years, however, the Democrat-dominated NLRB has been under white hot scrutiny for a variety of reasons including the views of its members (see former Chairman Wilma Liebman and soon-to-be-former Member Craig Becker), its handling of social media issues, its controversial rulemaking initiatives, and its recent reversal of past decisions. In addition, NLRB critics have zeroed in on the enforcement efforts of the NLRB's Acting General Counsel, Lafe Solomon and, in particular, his efforts to prosecute Boeing for its allegedly unlawful decision to build a plant in South Carolina.

Mr. Solomon and the Board may have received a brief reprieve from the criticism directed against them by virtue of recently concluded contract negotiations between Boeing and the Machinists union. As a result of negotiations which resulted in job security protections for Machinist-represented Boeing employees in Washington, the Union agreed to withdraw its charge against Boeing. As a result, and not surprisingly, Mr. Solomon agreed to honor the Union's request, thus effectively closing the NLRB's case against Boeing. You can read Mr. Solomon's statement [here](#).

For the NLRB, other challenges lurk. Its notice posting rule, which is scheduled to go into effect on January 31, 2012, is under attack in federal district courts in South Carolina and Washington, D.C. Its proposed expedited election rule has caused an ugly and public dispute among Board members and Chairman Mark Pearce has been forced to break the rule into pieces to improve its chances for survival. Several pieces of pending legislation challenge the NLRB's authority on some of its recent actions. And, finally, the NLRB will drop to two members at the end of the year, in which case it would be powerless to render decisions until a third member is appointed.

We will continue to monitor and report on developments at the NLRB.

More Information

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