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**TEAMSTERS JOINT COUNCIL 40**  
**REPORT OF LEGAL COUNSEL**  
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**NLRB Inspector General Issues Report Finding Improper  
Conduct by Member Terrence Flynn**

The NLRB Inspector General issued a Report on March 23, 2012, finding that Board Member Terrence Flynn “violated the Standards of Ethical Conduct for Employees of the Executive Branch and that he lacked candor during the investigatory interview.” This report stemmed from an investigation into whether Flynn improperly used his position on the Board to funnel confidential and/or privileged information to former Board members Peter Schaumber and Peter Kirsanow.

Peter Schaumber served on the NLRB after being appointed by President George W. Bush. Flynn served as chief counsel to Schaumber and later served as chief counsel to Board Member Brian Hayes before being appointed through a recess appointment to serve as a Board Member in 2012. Schaumber has been relentlessly attacking the NLRB ever since he left his position there, and he now serves as co-chair for labor policy on the campaign of Mitt Romney for President.

The IG Report details various confidential and/or privileged information that Flynn is believed to have leaked to both Schaumber and Kirsanow, including information that Schaumber has used to attack the NLRB. It also appears that Flynn has maintained regular contact with attorneys in his former law firm, including at least one instance where he allegedly disclosed how a Board member planned to vote on a pending 10(j) injunction request.

Richard Trumka, President of the AFL-CIO, has led the call for Romney to take action in regard to having Schaumber on his staff when it appears clear that Schaumber actively participated in the unethical conduct that the NLRB IG identified. He has also called on Flynn to resign from the NLRB.

**Court of Appeals Temporarily Enjoins NLRB From Implementing Rule on  
Employee Rights Posting**

The NLRB announced yesterday that in light of the decision issued by the DC Circuit Court of Appeals temporarily enjoining the NLRB from implementing its rule on Employee Rights postings at all workplaces, the NLRB has instructed its regional offices that they should not implement the rule on April 30, 2012 as previously scheduled.

The NLRB had promulgated rules that would require employers to display a notice of employee rights at their workplaces. Two different district courts (one in the District of Columbia and one in South Carolina) were faced with lawsuits challenging whether the NLRB had the authority to promulgate this rule, and the two courts reached opposite results. In view of the conflict generated by this situation, the Court of Appeals for the DC Circuit temporarily enjoined the NLRB from proceeding with enforcement of the rule. The NLRB has already announced plans to appeal the adverse ruling in South Carolina.

RESPECTFULLY SUBMITTED,

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