

Obama Appoints 3 To NLRB

By: [Joseph Williams](#)

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After making an end run around Senate Republicans to fill the top job at the Consumer Financial Protection Bureau on Wednesday, President Barack Obama ran the same play again a few hours later, making three recess appointments to bring the National Labor Relations Board to full strength.

The president used his power to name Sharon Block, Terence Flynn and Richard Griffin to the board, which arbitrates workplace disputes and federal labor issues and has recently drawn considerable fire from Republicans after it sided with an aircraft workers' union in a dispute with aerospace giant Boeing.

When the term of Craig Becker, another Obama recess appointee, expired at the end of last month, the five-member board no longer had a quorum, threatening its continued operation.

Block and Griffin are Democrats, while Flynn is a Republican.

"The American people deserve to have qualified public servants fighting for them every day — whether it is to enforce new consumer protections or uphold the rights of working Americans," Obama said in a statement. "We can't wait to act to strengthen the economy and restore security for our middle class and those trying to get in it, and that's why I am proud to appoint these fine individuals to get to work for the American people."

The move was a big score for labor and Obama's allies on the left, who congratulated the president for muscling past Republicans bent on blocking his agenda.

Sen. Tom Harkin (D-Iowa), chairman of the Senate Health, Education, Labor and Pension Committee, said the president "acted responsibly" to ensure working men and women as well as businesses "who rely on the stable functioning of this important agency would not be caught in the crossfire of the Republicans' misguided ideological battle."

But it's likely to further stoke the anger of Senate Republicans, already infuriated that Obama used a recess appointment to install Richard Cordray as director of the new consumer finance agency that was the centerpiece of the president's financial reform bill. They didn't mince words in a letter to Obama last month: If you make recess appointments to fill the NLRB vacancies, we'll continue to block confirmation votes for your nominees.

All 47 GOP senators, including Minority Leader Mitch McConnell, signed the letter.

In a statement Wednesday, Sen. Lindsey Graham (R-S.C.) decried the appointments as Obama's empowerment of an "out-of-control rogue bureaucracy" and another hurdle to job creation, a response typical of the NLRB's conservative critics.

"Mr. President, hasn't the NLRB already done enough damage?" Graham asked.

GOP senators, including Graham and McConnell, had vowed to block confirmation of any new NLRB nominees. If they had, the NLRB, which traces its history to the New Deal, would have dropped to just two members and been unable to hear new cases, resolve its current workload or clear a backlog of cases stretching back to the Bush administration.

"It was disheartening to think that the board was about to become non-functioning," said Wilma Liebman, a labor attorney and former NLRB chairman whose term expired this year. "I am relieved that the president decided to do this... [Republicans] made it quite clear they weren't going to confirm anyone else [to the board] during the president's term. At some point, you have to look for another route."

Critics on the right contend the NLRB has a left-leaning, activist agenda, evidenced by its approval of a rule making it easier for labor unions to organize the workplace and a decision contending that Boeing sought to punish organized workers in Washington state by building an assembly line in South Carolina, a right-to-work state.

Outraged, the GOP-majority House passed legislation in response that would tighten limits on the labor board's legal authority, and GOP senators vowed to block Obama's nominations to the NLRB, rendering the board inoperable.

Fred Wszolek, spokesman for the Workforce Fairness Institute, an anti-labor activist organization, called Obama's move "an incredible giveaway to Big Labor. This White House has demonstrated beyond question that it places greater importance on paying back union bosses than creating jobs and turning around the economy."

But AFL-CIO President Richard Trumka, whose relationship with Obama has seen strains, praised the president in a statement for "exercising his constitutional authority to ensure that crucially important agencies protecting workers and consumers are not shut down by Republican obstructionism. Working families and consumers should not pay the price for political ploys that have repeatedly undercut the enforcement of rules against Wall Street abuses and the rights of working people."

"We're very pleased with the president's recess appointments, not only to the National Labor Relations Board, but also the appointment of former Ohio attorney general Cordray to head up the new consumer financial protection agency," said Chuck Loveless, director

of legislation for the American Federation of State, County and Municipal Employees.

All the new appointees have extensive backgrounds and experience in labor issues and the law.

Block is a top administrator for the Department of Labor and has built her career specializing in labor issues, including time as a staffer for the late Sen. Edward M. Kennedy on the Health, Education, Labor and Pension Committee. Flynn is chief counsel to NLRB member Brian Hayes and spent years as a labor attorney in private practice. Griffin is general counsel for the International Union of Operating Engineers who also serves on the board of directors for the AFL-CIO Lawyers Coordinating Committee.

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