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From: Pomerantz, Anne
Sent: Thursday, June 30, 2011 6:02 PM
To: [REDACTED] *Exemption 6 - Privacy*
Subject: another good ruling -- a big one; had 3 others this week

ALJ Denies Boeing Bid to Dismiss Complaint, Allowing Trial of Unfair Labor Practice Issues

Posted June 30, 2011, 4:09 P.M. ET

The National Labor Relations Board administrative law judge hearing Acting General Counsel Lafe E. Solomon's allegations that Boeing Co. unlawfully transferred jetliner production work from Washington state to South Carolina June 30 [denied](#) the airplane manufacturer's motion to dismiss the complaint (Boeing Co., NLRB ALJ, No. 19-CA-32431, 6/30/11).

ALJ Clifford H. Anderson said it is rare to dismiss unfair labor practice allegations in an NLRB proceeding before the board's general counsel has even begun to introduce evidence. He further observed that Boeing has not yet established facts to support its argument that Solomon has taken out of context the allegedly unlawful comments Boeing executives made about the opening of the South Carolina plant.

Anderson rejected Boeing's challenge to Solomon's allegation that the company illegally discriminated against union-represented employees in Washington when it built a second assembly line for 787 Dreamliners at a nonunion site in South Carolina. Boeing argued there could be no finding that it violated the National Labor Relations Act without proof that building the South Carolina line adversely affected the Washington workers represented by the International Association of Machinists, but the ALJ disagreed, finding that NLRB precedent could support Solomon's claim of unlawful discrimination.

Finally, the ALJ refused to strike from the administrative complaint Solomon's request that Boeing be ordered to have the second Dreamliner assembly line handled by the unionized workers in Washington rather than the nonunion workforce in South Carolina. Anderson observed that the acting general counsel has not disputed the company's right to oppose the requested remedy as unduly burdensome, but the ALJ said it would be inappropriate to issue a pretrial ruling that would preclude the parties from making a full record on the question of remedial relief to be ordered if the complaint against Boeing is sustained.

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