

## Minute of Board Action

July 18, 2014

In *NLRB v. Noel Canning, a Division of the Noel Corp.*, No. 12-1281, \_\_ S. Ct. \_\_, 2014 WL 2882090 (June 26, 2014), the Supreme Court held that three Board members who received recess appointments on January 4, 2012 were not validly appointed. During the time period from January 4, 2012 until August 5, 2013, when the Board regained a quorum after the confirmation of five Presidentially-appointed Board Members, the Board acted on numerous administrative, personnel, and procurement matters including but not limited to appointments of various Regional Directors, Administrative Law Judges, and Senior Executives, and restructurings of regional and headquarters offices. Prior to the recess appointments of January 4, 2012, the Board issued an Order contingently delegating certain authorities to other NLRB officials.<sup>1</sup>

We believe that all the administrative, personnel and procurement matters described above were timely and appropriate. Nevertheless, in an abundance of caution, with a full complement of five Board Members we now confirm, adopt and ratify *nunc pro tunc* all administrative, personnel and procurement matters approved by the Board or taken by or on behalf of the Board from January 4, 2012 to August 5, 2013, inclusive. This action is intended to remove any question that may arise concerning the validity of the administrative, personnel, and procurement matters undertaken during that period.

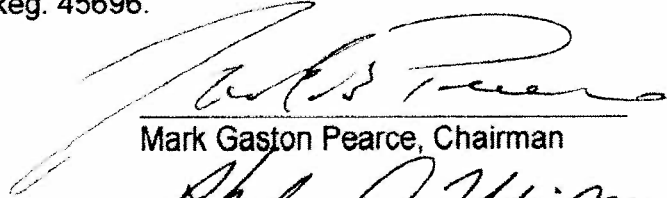
In a further abundance of caution, and in an effort to bring an end to ongoing litigation regarding the actions of the Board and its personnel between January 4, 2012 and August 5, 2013, having considered the relevant supporting materials, the Board hereby expressly authorizes the following actions:

1. The selection of Dennis Walsh as Regional Director for Region 4 (Philadelphia);
2. The selection of Margaret Diaz as Regional Director for Region 12 (Tampa);
3. The selection of Mori Rubin as Regional Director for Region 31 (Los Angeles);
4. The selection of Kenneth Chu, Christine Dibble, Melissa Olivero, Susan Flynn, and Donna Dawson as Administrative Law Judges;
5. The Amendment of Statement of Organization and Functions and the Restructuring of National Labor Relations Board's Field Offices described in notices published in the Federal Register on December 6, 2012, and July 24, 2013, 77 Fed Reg. 72886 and 78 Fed Reg. 44602, and all related actions in furtherance thereof;

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<sup>1</sup> See Order Contingently Delegating Authority to the Chairman, the General Counsel, and the Chief Administrative Law Judge, 76 Fed. Reg. 73719 (Nov. 29, 2011).

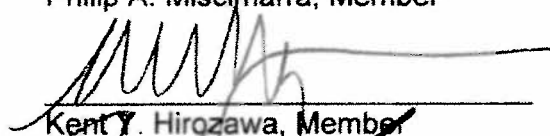
6. The Restructuring of National Labor Relations Board's Headquarters' Offices described in the notice published in the Federal Register on July 25, 2013, 78 Fed Reg. 44981; and
7. The Further Amendment to Memorandum Describing Authority and Assigned Responsibilities of the General Counsel described in the notices published in the Federal Register on July 23, 2012 and August 1, 2012, 77 Fed Reg. 43127 and 77 Fed Reg. 45696.



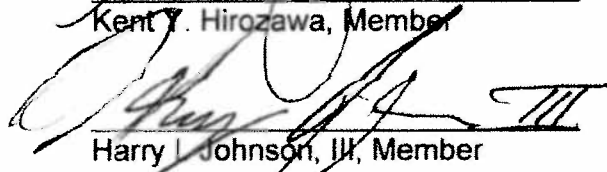
Mark Gaston Pearce, Chairman



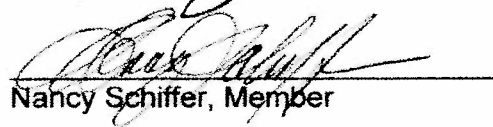
Philip A. Miscimarra, Member



Kent Y. Hirozawa, Member



Harry I. Johnson, III, Member



Nancy Schiffer, Member