

NLRB's Flynn accused of leaking confidential info; top union leaders demand his resignation

WASHINGTON, D.C.—Top union leaders are calling for National Labor Relations Board (NLRB) member Terence Flynn to resign after the agency's inspector general (IG) accused him of violating ethics rules.

The IG's 13-page report released March 19 details numerous instances of Flynn funneling confidential information about the Labor Board's activities to former NLRB members and lawyers outside the agency at a time when Flynn was serving as the NLRB chief counsel.

Some of the people receiving the information have been actively engaged in a campaign to undermine and discredit the labor agency. One of the former NLRB members — chairman Peter Schaumber — now co-chairs the labor policy advisory group for Mitt Romney's presidential campaign. The other former NLRB member, Peter Kirsanow, is now an attorney for the National Association of Manufacturers.

NLRB Inspector General David Berry said Flynn sent Schaumber "deliberative, pre-decisional information protected from disclosure," plus privileged attorney-client information.

Flynn also sent to Schaumber "lead case lists, pre-decisional votes and positions of the members, the identity of counsel assigned to a case, the status of cases, the researching issues in cases, the deliberation of the former chairman in a case, the desire of two members to press forward in a case, and the analysis of the board's resolution on" pending rules governing union recognition elections, the IG report says.

"Improper disclosure of information to former members Kirsanow and Schaumber amounted to a conversion of the information for the private benefit of Kirsanow and his client, the National Association of Manufacturers, and Schaumber's labor relations consulting and/or legal practice," Berry's report concludes.

Flynn told Berry that as soon as he learned he had released confidential information to Schaumber, he asked for its return. But e-mail records show Flynn made that request (and only for one document) 13 days after he sent the item to Schaumber — and only after the IG's probe started. Kirsanow refused to answer the IG's questions.

AFL-CIO President Richard Trumka said Flynn "committed a pattern of ethical violations that are nothing less than shocking."

Flynn's actions "are unprecedented and indefensible," and Flynn should quit, Trumka said. The Justice Department should probe the case and bring criminal charges, if needed, he added.

International Association of Machinists President Tom Buffenbarger agreed with Trumka. "Flynn committed serious ethical violations" and "should do the right thing and resign immediately," he said. "At a minimum, the report is a wake-up call about the extent to which NLRB opponents are willing to go to achieve its destruction. At worst, it alleges serious crimes that warrant aggressive prosecution. Either way, Flynn should not be allowed to remain" at the NLRB.

"The NLRB must carry out its important mission of ensuring union elections are conducted freely and fairly," said Joseph Hansen, chair of the Change To Win coalition and president of United Food and Commercial Workers. "Regrettably, this independent agency has consistently come under political attack from members of Congress and candidates for president who want to make it harder for workers to organize. The fact this effort was reportedly being orchestrated by a high-profile employee of the board is completely unacceptable."

President Barack Obama named Flynn, a Republican, to the board early this year as a recess appointment, along with two Democratic members, after Senate Republicans threatened to filibuster all three nominees.

Lawmakers who deal with workers' issues split on partisan lines on the controversy. U.S. Rep. John Kline (R-Minn.), chair of the House Education and the Workforce Committee, used the IG report to bash Obama for making recess appointments to the board without Senate confirmation. He neglected, however, to mention the filibuster threat, which would have left the NLRB with two members and unable to function.

U.S. Rep. George Miller (D-Calif.), the panel's top Democrat, sent the IG's report to Attorney General Eric Holder, asking for an investigation.

(Editor's Note: Press Associates Inc. contributed to this report.)

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