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NATIONAL

Trump appointee wants to ban Scabby the Rat

Standing 25 feet tall, with scary red eyes and yellow fangs, Scabby the Rat is a union hero and an eye-catching sign of a labor dispute — typically where non-union “rat” contractors are at work. But the Trump-appointed top lawyer at the National Labor Relations Board (NLRB) hates Scabby, and is trying to ban the inflatable beast, according to a Jan. 22 article in Bloomberg.

The NLRB is an independent federal agency that administers the federal law governing most private sector unions. It consists of two parts: a quasi-judicial five-member board that interprets the law and decides cases, and a network of field offices that runs union certification elections and prosecutes labor law violations, headed by an independent general counsel.

Since December 2017, the general counsel has been Trump appointee Peter Robb, a management-side labor lawyer who for years represented National Elevator Bargaining Association in its dealings with the International Union of Electrical Constructors.

Robb has been looking since last April for a case to attack Scabby with, according to an unnamed NLRB source cited by Bloomberg — and in December he found one. The case centers around Donegal Services, a non-union dump truck company targeted by Operating Engineers Local 150. Local 150 put Scabby up at multiple Donegal job sites along with sign saying “Shame on” the project owner “for harboring rat contractors.” Donegal filed an unfair labor practice charge against the union saying the rat “threatened, coerced, or restrained,” Donegal’s customers, and therefore violated the law’s ban on “secondary boycotts” and “recognitional picketing.”

Based on past precedent, local NLRB agents dismissed the charge, but Robb ordered them to revive the complaint and seek an injunction. The case is pending. Most labor lawyers think Scabby will win: The rat has faced multiple court challenges over the years, but always won, thanks to the First Amendment protection of symbolic speech.



According to labor journalist Sarah Jaffe, Scabby was conceived in 1990 by Ken Lambert and Don Newton, organizers with Illinois-based Bricklayers and Allied Craftworkers District Council 1. They worked with union-represented Big Sky Balloons of Plainfield, Illinois, to design the rat, and it was an immediate hit. Big Sky has made hundreds of rats since then, and added cigar-smoking fat cats and greedy pigs to its line-up.

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