



United States Government
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570
www.nlrb.gov

HAND-DELIVERED

Date: September 25, 2015

To: The National Labor Relations Board

Re: 02-CA-085811, et. al

Attached please find a Notice of Ratification regarding the above-cited cases and the Affidavit of Service establishing that all parties were served with the Notice and this letter. I request that the Notice of Ratification be placed in the case record.

Regards,

/s/ Richard F. Griffin, Jr.

General Counsel

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**CSC HOLDINGS, LLC AND CABLEVISION
SYSTEMS NEW YORK CITY CORP.,
A SINGLE EMPLOYER**

**Cases 02-CA-085811
02-CA-090823
29-CA-097013
29-CA-097557
29-CA-100175
29-CA-110974**

and

**COMMUNICATION WORKERS OF AMERICA,
AFL-CIO**

NOTICE OF RATIFICATION

The prosecution of these cases commenced under the authority of Acting General Counsel Lafe E. Solomon during the period after his nomination on January 5, 2011, while his nomination was pending with the Senate, and before my confirmation on November 4, 2013.

The United States Court of Appeals for District of Columbia Circuit recently held that Acting General Counsel Solomon's authority under the Federal Vacancies Reform Act (FVRA), 5 U.S.C. §§ 3345 et seq., ceased on January 5, 2011, when the President nominated Mr. Solomon for the position of General Counsel. *SW General, Inc. v. NLRB*, __ F.3d __, 2015 WL 4666487, (D.C. Cir., Aug. 7, 2015). The Court found that complaints issued while Mr. Solomon's nomination was pending were unauthorized and that it was uncertain whether a lawfully-serving General Counsel or Acting General Counsel would have exercised discretion to prosecute the cases. *Id.* at *10.

I was confirmed as General Counsel on November 4, 2013. After appropriate review and consultation with my staff, I have decided that the issuance of the complaint in this case and its continued prosecution are a proper exercise of the General Counsel's broad and unreviewable discretion under Section 3(d) of the Act.

My action does not reflect an agreement with the appellate court ruling in *SW General*. Rather, my decision is a practical response aimed at facilitating the timely resolution of the charges that I have found to be meritorious while the issues raised by *SW General* are being resolved. Congress provided the option of ratification by expressly exempting "the General Counsel of the National Labor Relations Board" from the FVRA provisions that would otherwise preclude the ratification of certain actions of other persons found to have served in violation of the FVRA. *Id.* at *9 (citing 5 U.S.C. § 3348(e)(1)).

For the foregoing reasons, I hereby ratify the issuance and continued prosecution of the complaint.

Date: September 25, 2015

 /s/ Richard F. Griffin, Jr.
Richard F. Griffin, Jr.
General Counsel

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**CSC HOLDINGS, LLC AND CABLEVISION
SYSTEMS NEW YORK CITY CORP., A SINGLE
EMPLOYER**

and

**COMMUNICATION WORKERS OF AMERICA,
AFL-CIO**

**Cases 02-CA-085811
02-CA-090823
29-CA-097013
29-CA-097557
29-CA-100175
29-CA-110974**

**AFFIDAVIT OF SERVICE OF: Notice of Ratification of Complaint and Prosecution of
Complaint and Letter to the Board regarding this Ratification.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on September 25, 2015 I served the above-entitled document(s) by regular mail, as noted below, upon the following persons, addressed to them at the following addresses:

G. PETER CLARK, ESQ.
KAUFF MCGUIRE & MARGOLIS LLP
950 3RD AVENUE
FL 14
NEW YORK, NY 10022-2773

HARLAN J. SILVERSTEIN, ESQ.
KAUFF, MCGUIRE & MARGOLIS, LLP
950 3RD AVE
FL 14
NEW YORK, NY 10022-2773

RAYMOND G. MCGUIRE, ESQ.
KAUFF MCGUIRE & MARGOLIS, LLP
950 3RD AVE
FL 14
NEW YORK, NY 10022-2773

DOREEN S. DAVIS, ESQ.
JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017

KRISTINA A. YOST, ESQ.
JONES DAY
222 EAST 41ST STREET
NEW YORK, NY 10017

EUGENE SCALIA, ESQ., PARTNER
GIBSON, DUNN & CRUTCHER LLP
1050 CONNECTICUT AVE NW
WASHINGTON, DC 20036-5303

JASON C. SCHWARTZ, ESQ.
GIBSON, DUNN & CRUTCHER LLP
1050 CONNECTICUT AVE NW
WASHINGTON, DC 20036-5303

ERIC CHANG, DIRECTOR OF HUMAN
RESOURCES
CABLEVISION SYSTEMS OF NEW YORK CITY
CORPORATION
500 BRUSH AVE
BRONX, NY 10465-1803

DANIEL E. CLIFTON, ESQ.
LEWIS, CLIFTON & NIKOLAIDIS, P.C.
350 7TH AVE RM 1800
NEW YORK, NY 10001-1931

GABRIELLE SEMEL, DISTRICT COUNSEL
COMMUNICATION WORKERS OF AMERICA,
DISTRICT 1 - LEGAL DEPARTMENT
350 SEVENTH AVENUE
18TH FLOOR
NEW YORK, NY 10001-5013

TIMOTHY DUBNAU
COMMUNICATION WORKERS OF AMERICA
9602 MLK JR HWY STE D
WEISSMAN MINTZ LLC
LANHAM, MD 20706-1838

MARY K. O'MELVENEY, GENERAL COUNSEL
COMMUNICATIONS WORKERS OF AMERICA,
AFL-CIO, CLC
501 THIRD STREET NW
WASHINGTON, DC 20001-2797

September 25, 2015

Date

Lily Nguyen
Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature