



United States Government  
NATIONAL LABOR RELATIONS BOARD  
OFFICE OF THE GENERAL COUNSEL  
Washington, D.C. 20570  
[www.nlr.gov](http://www.nlr.gov)

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ORDER SECTION

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Date: May 25, 2016

To: The National Labor Relations Board

Re: E.I. Du Pont de Nemours and Company, Cases 05-CA-090984, 09-CA-091793 and 26-CA-092629

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**

**E. I. DU PONT DE NEMOURS AND COMPANY**

**and**

**AMPTHILL RAYON WORKERS, INC., LOCAL  
992, INTERNATIONAL BROTHERHOOD OF  
DUPONT WORKERS**

**Case 05-CA-090984**

**FREON CRAFTSMAN UNION, LOCAL 788,  
INTERNATIONAL BROTHERHOOD OF  
DUPONT WORKERS**

**Case 09-CA-091793**

**INTERNATIONAL BROTHERHOOD OF  
DUPONT WORKERS (IBDW), LOCAL 593, OLD  
HICKORY EMPLOYEES COUNCIL**

**Case 26-CA-092629**

**NOTICE OF RATIFICATION**

The prosecution of this case 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: May 25, 2016

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

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGIONS 05, 09, & 26**

**E. I. DU PONT DE NEMOURS AND COMPANY**

**and**

**AMPTHILL RAYON WORKERS, INC., LOCAL  
992, INTERNATIONAL BROTHERHOOD OF  
DUPONT WORKERS**

**Case 05-CA-090984**

**FREON CRAFTSMAN UNION, LOCAL 788,  
INTERNATIONAL BROTHERHOOD OF  
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**Case 09-CA-091793**

**INTERNATIONAL BROTHERHOOD OF  
DUPONT WORKERS (IBDW), LOCAL 593, OLD  
HICKORY EMPLOYEES COUNCIL**

**Case 26-CA-092629**

**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 May 25, 2016 I served the above-entitled document(s) by regular mail, as noted below, upon the following persons, addressed to them at the following addresses:

E.I. DuPont de Nemours and Company  
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Richmond, VA 23261-7001

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Todd White, President  
Old Hickory Employees Council IBDW  
Local 593  
718 Bass Ln  
Mount Juliet, TN 37122-2702

May 25, 2016

Date

Lily Nguyen  
Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature