



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

HAND-DELIVERED

Date: May 26, 2016

To: The National Labor Relations Board

Re: Raytheon Company, Case 25-CA-092145

Attached please find a Notice of Ratification regarding the above-cited case 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**

RAYTHEON COMPANY

and

Case 25-CA-092145

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED-INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION (USW),
AFL-CIO-CLC**

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 26, 2016

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

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 25**

RAYTHEON COMPANY

and

Case 25-CA-092145

**UNITED STEEL, PAPER AND FORESTRY,
RUBBER, MANUFACTURING, ENERGY,
ALLIED-INDUSTRIAL AND SERVICE
WORKERS INTERNATIONAL UNION (USW),
AFL-CIO-CLC**

**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 26, 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:

Sara Spinney, Human Resources
Raytheon Company
1010 Production Rd
Fort Wayne, IN 46808-4106

Robert A. Hicks, Attorney
Macey Swanson And Allman
445 N Pennsylvania St., Ste. 401
Indianapolis, IN 46204-1893

Charles D. Coleman, Esq., Senior Counsel
Raytheon Network Centric Systems Company
13510 N Central Expy
MSC 200
Dallas, TX 75243-1108

Katharine J. Shaw, Esq., AGC
60 Boulevard of the Allies, Room 807
Pittsburgh, PA 15222-1209

Kenneth B. Siepman, Esquire
Ogletree Deakins Nash Smoak & Stewart, P.C.
111 Monument Circle
Suite 4600
Indianapolis, IN 46204

Mariana Padias, Attorney
United Steel, Paper and Forestry,
Rubber, Manufacturing, Energy, Allied
Industrial and Service Workers
International Union, AFL-CIO, CLC
60 Boulevard of the Allies, Room 807
Pittsburgh, PA 15222-1209

Matthew J. Kelley, Esq.
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
111 Monument Circle
Suite 4600
Indianapolis, IN 46204

Richard Brean, Esq., General Counsel
United Steel, Paper and Forestry,
Rubber, Manufacturing, Energy, Allied
Industrial and Service Workers
International Union, AFL-CIO, CLC
5 Gateway Ctr., Rm. 807
Pittsburgh, PA 15222-1219

Anthony Alfano, Organizing Counsel
United Steel, Paper, & Forestry, Rubber,
Manufacturing, Energy, Allied Industrial &
Service Workers
1301 Texas St., 12th Floor
Gary, IN 46402-3017

Daniel Kovalik
United Steel, Paper, and Forestry, Rubber,
Manufacturing, Energy, Allied Industrial
and Service Works International Union
(USW), AFL-CIO
60 Blvd of the Allies, Ste. 807
Pittsburgh, PA 15222-1209

May 26, 2016

Date

Lily Nguyen
Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature