



Loose Lips Don't Sink Ships: NLRB Member Cleared By Agency Inspector General

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**David J.
Pryzbylski**
Partner

The National Labor Relations Board's (NLRB) Inspector General recently began an [investigation](#) into NLRB Member Pearce related to comments he made at a conference regarding a pending matter. The matter he commented on was the *Hy-Brand Industrial Contractors* case that came down last year from the Trump board on joint-employer status but later was overturned due to an alleged [conflict of interest](#) by a presiding member.

According to a prior report from *Bloomberg BNA*: "The National Labor Relations Board's chief investigator is looking into whether Member Mark Gaston Pearce (D) told a group of lawyers about a surprise decision in an important case before it was public, sources told Bloomberg Law. NLRB Inspector General David Berry is investigating claims that Pearce told attorneys at an American Bar Association event that a 'big decision' was coming in the *Hy-Brand Industrial Contractors* case. The board a day later unexpectedly decided to scrap a precedent-setting ruling in that case, responding to conflict-of-interest concerns about Member William Emanuel (R)."

Now, according to a new report from *Bloomberg*, the agency's Inspector General has cleared Pearce of any wrongdoing. It apparently was determined that the comments Pearce made "were simply too vague to be of practical use or benefit to anyone given the overall context of the conversations." In other words, there was insufficient evidence to constitute a formal violation in

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the Inspector General's view. The joint-employer issue remains a hot topic at the board, especially in light of its recent [announcement](#) it may engage the rulemaking process to revisit the issue. Stay tuned.