

News

BCLP LAWYER IN 'LAW360' ON NLRB IMMIGRATION MEMO

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BCLP Senior Counsel Jerry Hunter was quoted Nov. 10 by *Law360* concerning a recent memo from the National Labor Relations Board's (NLRB) top prosecutor that places a renewed emphasis on how the agency interacts with immigrant workers. Hunter noted the remedies section of the memo indicates that NLRB General Counsel Jennifer Abruzzo is taking a very narrow view of the Hoffman Plastic decision and looking at ways to avoid it. A 2002 U.S. Supreme Court decision called *Hoffman Plastic Compounds Inc. v. NLRB* prevents the board from awarding back pay and ordering an employer to rehire a worker if they are not authorized to work in the country. "It appears that this whole memo was written for the purpose of getting around Hoffman Plastic," Hunter said. To him, the policies laid out in the memo are targeted at giving unions an easier path to organizing workforces that may include many unauthorized immigrants. "I don't think there is any doubt that one of the goals of this memo is to aid unions' ability to organize," said Hunter, a former NLRB general counsel who served during the administration of President George H.W. Bush.

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