



CNN/TVS UPDATE

February 28, 2017

On Thursday, February 23, 2017 the D.C. Circuit Court heard oral arguments with respect to the Board's decision in the CNN case. The case has been submitted to the panel to write a decision. It will likely take a few months, perhaps longer, for the Court to issue its decision.

If the Court sides with CNN, then it will most likely remand the case to the NLRB for further proceedings.

If the Court sides with the Board and the Union, then it will issue an order enforcing the Board's decision. This order may be appealed by CNN to the Supreme Court by filing a petition for a writ of certiorari.

The Union's counsel does not believe that there is a substantial likelihood that the Supreme Court would accept the case.

Once this phase is completed (that is, the D.C. Circuit enforces the Board's order and there is no appeal to the Supreme Court), then the case is remanded back to the National Labor Relations Board for compliance proceedings.

This involves the NLRB's General Counsel issuing a compliance specification setting forth the specifics for implementing the Board's order (reinstatement, backpay, etc.).

CNN would have the opportunity to file an answer to the specification and, if it disputes any aspect of the specification, a hearing before an Administrative Law Judge would take place. The case would follow a similar path as the unfair labor practice case (exceptions to the Board, appeal to the D.C. Circuit, etc.). Given the number of discriminates and the length of time at issue, the compliance phase could take years to complete.

In Unity,

A handwritten signature in cursive script that reads "Richard McDermott".

Richard McDermott

President, NABET-CWA Local 31