



SENATORS BLOCK NLRB NOMINEE WITH DEEP UNION TIES

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On Tuesday, February 9, 2010, Senate Republicans joined by two Democrats effectively blocked President Obama's nomination of attorney Craig Becker to fill one of three open seats on the National Labor Relations Board (NLRB). The 52-33 vote fell eight votes short of the 60 needed to proceed to a final vote on the nomination. Four Democrats and one Independent did not vote.

Management groups strongly opposed Becker, who has been an associate general counsel for the Service Employees International Union (SEIU) since 1990 and a staff counsel for the AFL-CIO since 2004. Becker's opponents feared that he would bring an aggressive pro-union agenda to the NLRB.

The five member NLRB decides cases under the National Labor Relations Act and negotiates disputes between organized labor and private employers. Becker has spoken out in favor of "card checks" – a process which would eliminate secret ballot votes and make it easier for unions to organize employer workforces. Becker has stated his belief that the NLRB could

pursue card checks and other aspects of the Employee Free Choice Act without waiting for Congress to pass the bill.

For more than 25 months only two of the NLRB's five seats have been filled (by Chairman Wilma Liebman, a Democrat, and Peter Schaumber, a Republican). Although the NLRB has continued to issue decisions (more than 500 over this period), next month the United States Supreme Court will hear oral argument on whether the two-member board has the legal authority to issue rulings.

Two other nominations for NLRB members remain pending – Mark Pearce (Democrat) and Brian Hayes (Republican). The NLRB has not had a Democratic majority since December 2001.

Bullard Law will continue to monitor the nomination process for NLRB members as well as other topics of importance to employers with union workforces. Please also feel free to contact us with any questions or concerns about any other employment, labor relations, and employee benefits issues.