

## NLRB on Verge of Radical Change

On March 27, 2010, President Obama used “recess” appointments to seat two of his three nominees to the National Labor Relations Board “NLRB” – Craig Becker and Mark Pearce. Becker’s last job was in-house counsel to the SEIU and AFL-CIO. Pearce has been an attorney in private practice, representing Unions.

The NLRB is now comprised of these two individuals, plus two holdovers from past years, one of whom dissented from many past NLRB decisions considered friendly to employers.

Craig Becker is by far the most controversial appointment. His nomination did not survive a cloture vote in the Senate, so President Obama used the Senate’s Easter recess to place him on the NLRB. Why is Becker controversial? Because he has been on record in favor of radical changes to federal labor law. How radical? How about excluding employers from having a say before the NLRB in setting up an election? How about preventing employers from complaining about Union misconduct prior to an election? How about approving of intermittent strikes, where your union can strike you for two hours today, four hours tomorrow, etc, in order to disrupt business.

The Employee Free Choice Act (“EFCA”) has been stalled in the Senate. If passed, it would radically change federal labor law, too. But many radical changes can occur without passage of EFCA. Unions now have the votes on the NLRB to make it happen. An employer that does not prepare itself for “Change” will suffer the consequences.

As always, if you have any questions about the Employee Free Choice Act (“EFCA”) or any other employment issues please contact the labor and employment attorneys at Robison, Curphey & O’Connell or visit our website at [www.rcolaw.com](http://www.rcolaw.com).

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