

STATEMENT OF
CHAIRMAN MARK GASTON PEARCE
NATIONAL LABOR RELATIONS BOARD
BEFORE THE SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES,
EDUCATION, AND OTHER AGENCIES
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
MAY 14, 2015

Chairman Blunt, Ranking Member Murray, and Members of the Subcommittee, I am pleased to appear before you today. Thank you for the invitation. I am privileged to serve as the Chairman of the National Labor Relations Board, which will celebrate its 80th Anniversary in July of this year.

Since its inception in 1935, the National Labor Relations Board has been tasked with enforcing the National Labor Relations Act. The Act, borne out of the Great Depression, has long been a vehicle for employees and employers to resolve workplace disputes. The Agency has never been a place without controversy as we deal with the challenges workers and businesses face in our Nation's ever-changing economy.

Indeed, labor law continues to stir spirited debate, as we have seen play out here in Congress. There has also been vigorous debate of these issues in state houses in recent months. Regardless of political tides, this Agency's job, under 13 Presidents has been to serve as the independent enforcer of one this Nation's most fundamental labor laws.

My Colleagues at the Board and I take this duty very seriously and strive to do so in an efficient, responsible fashion. General Counsel Griffin will speak more specifically about the Agency's Fiscal Year 2016 budget request, and his side of the agency, which oversees and employs the

vast majority of staff. On the Board side, we have 149 FTEs and the Board's funding allocation represents about 10 percent of the overall Agency budget.

The Board issued 248 decisions in contested cases last fiscal year. Decisions were issued in 205 unfair labor practice cases and 43 representation cases. During the first half of the current fiscal year, the Board has issued decisions in 202 cases, 79 percent of which were unanimous decisions. If we continue on this course, we will have one of our most productive years on record.

That is not to say that there are not issues affecting the Agency's case processing. We have experienced many challenges over the prior two fiscal years. Contentious debates in the Senate over confirmation of Board nominees have resulted in numerous vacancies, impacting the Board's ability to process cases. Faced with a loss of quorum, recess appointments were made to the Board on January 4, 2012. These appointments were challenged in the Supreme Court in the case of *NLRB v. Noel Canning*. On June 26, 2014, the Supreme Court issued its decision in that case. Following that decision, 103 cases were returned to the Board for decision.

I understand that for parties involved in these cases, expeditious resolution is critical, and the Board has continued to make great strides in resolving these cases. In my testimony before the House Appropriations' Subcommittee on Labor, Health, and Human Services, I expressed the Board's commitment to resolving all of these cases by June 26th, 2015, one year after the issuance of the Supreme Court Decision. At the time of that hearing, the Board had issued decisions in 73 of those cases with another 27 cases pending and four that were otherwise resolved. Since that time, the Board has issued an additional 7 decisions, leaving only 16 cases pending with seven otherwise resolved.

In addition to resolving the *Noel Canning* impacted cases, my colleagues and I have also instituted an enhanced alternative dispute resolution process. This process, led by the Office of the Executive Secretary, will help to minimize unnecessary and protracted litigation. I am optimistic that this initiative will help improve our Agency's efficient case processing.

In addition to its casework, the Board has continued to expand its outreach efforts. We have worked to provide user-friendly information to employees and employers via social media outreach and the creation of a free mobile application. These resources help make workers aware of their rights and help employers better understand the protections available under the law.

The Board has also issued a final rule amending its representation case procedures. The final rule is intended to enable the Board to more effectively administer the National Labor Relations Act. It includes several changes to existing procedures, all designed to reduce inefficiencies, modernize processes, and streamline representation case procedures.

Mr. Chairman, the fiscal year 2016 budget request before you will enable our Agency to provide workers and businesses with the efficient and effective case resolution they deserve. We have an important role to play in the nation's economy, and we need adequate resources to fulfill the responsibility of enforcing the National Labor Relations Act, as we have proudly done for nearly 80 years. Thank you for the opportunity to appear before you today and I look forward to your questions.