

Labor Board Chief To Push Organizing Rules

Sam Hananel, Associated Press

WASHINGTON (AP) — The chairman of the National Labor Relations Board plans to push for new rules that would give unions a boost in organizing members, despite an outcry from Republicans and business groups who say the board is going too far.

Mark Pearce said he hopes the board will propose the rules soon, now that it has a full component of five members. President Barack Obama bypassed the Senate earlier this month to fill three vacancies.

"We keep our eye on the prize," Pearce said in an interview with The Associated Press. "Our goal is to create a set of rules that eliminate a lot of waste of time, energy and money for the taxpayers."

One change Pearce wants is to require businesses to hand over lists of employee phone numbers and emails to union leaders before an election.

He also wants the board to consider other rule changes it didn't have time to approve before it was on the verge of losing a quorum last year. That includes the use of electronic filings and quicker timetables for certain procedures.

"My personal hope is that we take on all of these things and consider each one of these rules," Pearce said. "We presume the constitutionality of the president's appointments, and we go forward based on that understanding."

Pearce's comments come just three weeks after Obama ignited a firestorm when he made the recess appointments of two Democrats and one Republican to the NLRB, which oversees union elections and referees labor-management disputes.

GOP leaders have challenged the appointments as unconstitutional, saying the Senate was not technically in recess when Obama acted. Republicans had threatened to block confirmation votes on any board nominees, saying the NLRB was making too many union-friendly decisions.

Pearce's decision to push the new rules could amplify the issue in an election year as Obama's GOP opponents accuse him of being too cozy with labor unions that plan to spend millions backing his campaign.

If the board decides to propose the new rules, they would expand on sweeping regulations approved in December that speed up the process for holding union elections at work sites after unions collect enough signatures from employees. Those rules are slated to take effect April 30.

While the first round of rules won praise from union leaders, business groups claim they allow "ambush elections" that won't give employers enough time to talk to

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Published on Industrial Maintenance & Plant Operation (<http://www.impomag.com>)

employees about whether to choose a union.

Business groups and their Republican allies say the latest push confirms their fears that the new board — now led by three Democrats and two Republicans — will approve even more rules that make it easier for unions to organize new members.

"I knew this was going to happen," said Rep. Trey Gowdy, R-S.C., a member of the House Committee on Education and the Workforce. "The NLRB has lost all pretense of objectivity in my judgment."

White House officials say Obama was justified in going around the Senate since some Republicans had vowed to block any nominations in order to paralyze the NLRB. The five-member board is not allowed to consider cases or rules unless it has a quorum of at least three members.

Randel Johnson, the U.S. Chamber of Commerce's vice president on labor issues, said he is surprised the board would try to adopt even more new rules that businesses fiercely oppose.

"If they're going to go forward on that basis, I think that removes any pretense at all that they are not in the back pocket of the union movement," Johnson said.

AFL-CIO spokeswoman Alison Omens called Pearce's comments "a reasonable, balanced approach to ensure that every person has a voice on the job."

"The board is obviously taking modest steps to create a level playing field and bring stability to a process that's been outdated," Omens said.

Republicans in Congress are vowing to put more pressure on the agency, with at least two House hearings on the NLRB recess appointments planned next month before the education committee and the Judiciary Committee.

"If the board is determined to continue advancing its pro-union agenda, House Republicans will continue to maintain aggressive oversight," said Brian Newell, spokesman for education committee Chairman John Kline, R-Minn.

Pearce said he wants the NLRB to become "a household word" for all workers, not just those affiliated with organized labor.

"We want the agency to be known as the resource for people with workplace concerns that may have nothing to do with union activities," he said.

He said many workers don't understand that they can seek recourse with the NLRB to protect rights that exist outside of union protections.

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Source URL (retrieved on 02/01/2015 - 5:47pm):

http://www.impomag.com/news/2012/01/labor-board-chief-push-organizing-rules?qt-recent_content=1