

ALERT

LABOR & EMPLOYMENT LAW

March 2010

President Obama Appoints Craig Becker to NLRB

As we predicted, President Obama unilaterally appointed Craig Becker to the National Labor Relations Board (NLRB). Today was the last day before the Easter Recess and, thus, the last day for President Obama to bypass the usual Senate confirmation process and appoint Becker to the Board.

Of Obama's three Board nominations – to a five member Board – only Becker's nomination was blocked. Senator John McCain (R-AZ) led the effort to block Becker from being appointed to the NLRB. Recently, all 41 Republican Senators requested that Obama not use his recess appointment power to seat Becker.

The controversy around Becker is directly related to his very pro-union agenda. He previously served as counsel for the AFL-CIO and the Service Employees International Union. He is a staunch supporter of the Employee Free Choice Act and according to Republicans, Becker's "writings clearly indicate that he would use his position on the NLRB to institute far-reaching changes in labor law far exceeding the Board's authority and bypassing the role of Congress."

For example, Becker has written, "employers should be stripped of any legally cognizable interest in their employee's election of representative," and that the NLRB should protect workers who repeatedly strike over grievances. Republicans argue Becker is simply ill suited to serve on a Board whose duties include balancing the interests of unions, employers, and employees.

Because President Obama used his recess appointment power, Becker will remain on the Board until the end of 2011.

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