



HR CORNER

FEES & BURGESS, P.C.



****E-BLAST: March 31, 2010****

President Obama Announces Intent to Appoint Two New Members to National Labor Relations Board

Fees & Burgess, P.C., Emphasizes:

On March 27, 2010, President Obama announced his intent to appoint Craig Becker and Mark Pearce to the National Labor Relations Board (NLRB) during the congressional recess. With the addition of these two appointees, the NLRB will have four seated members of a possible five-member board. Mr. Pearce is a labor attorney with some bipartisan support. However, Mr. Becker, an SEIU/ AFL-CIO lawyer, was appointed despite the bipartisan objections of the Senate over his qualifications and abilities to serve effectively as an NLRB board member.

President Obama previously nominated Mr. Becker to the NLRB and placed him in line for Senate confirmation on July 9, 2009. However, in February of this year, Senate Republicans successfully blocked his nomination. While presidents normally nominate NLRB board members for confirmation by the Senate, presidents also maintain the privilege to unilaterally appoint such members during congressional recesses (although with a limited term). This executive appointment will allow Mr. Becker to serve without Senate confirmation until the Senate adjourns at the end of 2011.

Critics of Mr. Becker argue that he cannot remain unbiased or impartial in reviewing and deciding labor cases. While pro-labor officials appreciate Mr. Becker's union representation experience and background, others worry about his established pro-labor views. His inflammatory comments during his nomination process angered many people, particularly when he stated that employers should not have a voice in union elections. Mr. Becker's writings also have created controversy since they imply that the NLRB has the power to implement some of the changes proposed in the Employee Free Choice Act without congressional action. Such an expanded role by the board would be an unprecedented expansion in its traditional role.

When the term of the only Republican board member expires in August, it will be the first time since the 1940's that all members of the board will be from the same party, and Democrats. With the addition of these two board members, the NLRB may begin to quickly review the existing landscape of labor laws and previous NLRB decisions. Employers should continue to monitor activity from the NLRB and Congress as the administration continues to implement its pro-labor agenda.

♦ ♦ ♦

General Civil Litigation

Commercial Law & Litigation

Municipal Law & Litigation

Police Civil Liability Defense

Employment Law & Litigation

Construction Litigation

Corporate Law & Government Contracting

Insurance Defense

Railroad Law

Corporate Counsel Services



HR CORNER

FEES & BURGESS, P.C.

**E-BLAST:

March 31, 2010**

SPEAKERS

Fees & Burgess, P.C., provides speakers, training programs, seminars, and webcasts for various trade associations; business groups; and clients. For information regarding a program, contact seminars@feesburgess.com

NEWSLETTERS

Fees & Burgess, P.C., also publishes *F&B Quarterly Bytes*, focusing on multiple practice areas; and *F&B SCM Memo*, focusing on the supply chain management industry. To receive any of these e-newsletters, please e-mail newsletters@feesburgess.com with your contact information.

To remove your name from our mailing list, please e-mail newsletters@feesburgess.com.

Michael L. Fees
mfees@feesburgess.com

C. Gregory Burgess
gburgess@feesburgess.com

Allen L. Anderson
anderson@feesburgess.com

Jeffrey L. Roth
jroth@feesburgess.com

FEES & BURGESS, P.C.
213 Green Street
Huntsville, Alabama 35801

Telephone (256) 536-0095
Facsimile (256) 536-4440

www.feesburgess.com

Stacy L. Moon
smoon@feesburgess.com

Leah M. Green
lgreen@feesburgess.com

Nori D. Horton
nhorton@feesburgess.com

Ryan G. Blount
rblount@feesburgess.com

HR Corner should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only. Anyone needing specific legal advice should consult an attorney.

“No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.”

© 2010 Fees & Burgess, P.C.

