

What is the National Labor Relations Board (NLRB)?

The NLRB is led by a 5 Member Board and a General Counsel who are charged with enforcing and interpreting the National Labor Relations Act (NLRA). The NLRA, which was enacted in 1935, established the right of employees to join or refrain from joining a union and governs relations between most private businesses and unions.

- **General Counsel (GC) – investigates and prosecutes charges of NLRA violations**
 - Appointed by the President to a 4 year term
 - The GC oversees a network of regional attorneys and investigators, who investigate and prosecute charges that an employer or union violated the NLRA. Violations of the NLRA are known as Unfair Labor Practices or ULPs.
 - The GC decides when to prosecute, to settle or dismiss a charge. This authority to issue complaints is plenary and there is no right of appeal to the Board or court.

- **The Board – 5 Members**
 - Composition
 - Appointed by the President to staggered 5 year terms
 - Generally, 3 Board Members are from President’s party and 2 from opposing party.
 - The Board often operates with less than 5 Members, with frequent disagreements over nominees.
 - A quorum of 3 is sufficient to issue decisions.
 - Function

- The Board interprets the NLRA through adjudication by reviewing decisions of administrative law judges (ALJs). The ALJs rule on ULP cases brought by the GC.
 - The Board's representation section also conducts secret ballot elections to determine whether or not employees want to be represented by a union. Disputes over elections are settled by regional directors, but may be appealed to the Board. These are known as "R" cases.
 - While the Board has broad rulemaking authority, it has only promulgated one substantive rule in its 75 year history.
- Review of Board decisions
 - The Board's decisions in unfair labor practice cases can be appealed to federal courts; its decisions in representation cases cannot.