

## **Craig Becker and the Obama NLRB**

### **Current Board**

- Chair, Democrat Wilma Liebman – term expires August 2011
- Democrat Craig Becker, former Associate General Counsel to SEIU and AFL–CIO (serving a recess appointment that expires December 31, 2011)
- Democrat Mark Pearce, attorney who regularly represented unions while in private practice
- Republican Brian Hayes, former Senate staffer and management–side attorney
- One Vacant Seat
  - On January 5, the President nominated Republican Terry Flynn to the vacant Board seat. Flynn currently serves as Members Hayes’s chief counsel and was formerly an attorney representing management.
- Acting General Counsel, Democrat Lafe Solomon, nominated on January 5. Has served the NLRB several decades in different capacities.

### **Craig Becker**

- Widespread objections to Becker because of his extreme views.
  - Becker has advocated that the NLRB reverse over 60 years of well–settled law and make fundamental and radical changes to U.S. labor law and national labor policy without input from Congress. Among other things, Becker has written that the NLRB should “eliminate the formal role of employers in union elections ... [and that this change] could be achieved with almost no alteration of the statutory framework.” 77 Minn. L. Rev. 495.
  - Removing the employer from the process, increasing the likelihood that:
    - Unlawful union activity will go unchallenged;
    - Employees will be grouped in collective bargaining units not because of common interest but because their inclusion in the unit is more likely to secure a win for the unions; and
    - Employees will be deprived of the opportunity to hear important viewpoints and information regarding unionization.
  - Becker has advocated for severely restricting an employer’s communication with its employees by limiting an employer’s ability to speak with employees about unions during the workday. This is not only an infringement of the employer’s rights, it also effectively limits employees’ access to critical information about the possible disadvantages of unionization or possible problems or misconduct related to the union attempting to organize that workplace.

- In February 2010, the Senate voted on Becker's nomination and he failed to secure the 60 votes needed by a vote of 52-33 -Blanche Lincoln (D-AR) and Ben Nelson (D-NE) join Republicans in vote against, other moderate Democrats did not vote.
- On March 27, 2010, President recess appoints Becker. His recess appointment expires at the end of 2011. On January 5, 2011 President nominates Becker again.
- On February 1, 2011 all 47 Republican Senators sent a letter to President Obama requesting he withdraw Becker's nomination. The letter is available [here](#).