

National Labor Relations Board

The National Labor Relations Board (NLRB or Board) engaged in massive regulatory overreach during the Obama administration. Rather than acting as an impartial referee, the Board aggressively carried out a one-sided agenda aimed at growing labor unions at any cost. The agency is badly in need of reform.

BACKGROUND

There is a long list of policies in need of review by the new administration, a new Congress and new Board members. Perhaps the most important include:

- “Micro-unions”: In its Specialty Healthcare decision, the Board threw out decades of precedent regarding what is an “appropriate” bargaining unit. Abandoning the long-established preference for units representing all workers in a class or craft, the NLRB is now rubber stamping virtually any bargaining unit suggested by a union, even “micro” unions made up of just a few workers.
- Redefining “joint employer”: The NLRB threw out a longstanding standard for determining joint employer status and replaced it with a vague and sweeping definition that makes businesses liable for workplaces they don’t control, and workers they don’t employ. The Board’s new standard threatens franchise operations as well as employers who have arrangements with subcontractors.
- Union “Ambush” Elections: This rule requires employers to turn over to union organizers personal information about their workers, such as phone numbers, e-mail accounts and home addresses. It also strips employers of their due process rights and makes it harder to respond to a union organizing campaign. By shortening the time period before an election, it also may prevent employees from getting fully informed about a critical workplace decision like voting for or against a union.

TRSA POSITION

The new administration, Congress, and NLRB have a fresh opportunity to curb the one-sided regulatory overreach by the Obama-era Board. This is an agency in need of reform and redirection.

ACTION

Address the overreach by the NLRB through legislation. Focus on the NLRB’s “quickie election” rule to streamline the union representation process and the board's decision to expand joint employer liability.