

Labor Alert

Mar-30-2010

NLRB and EEOC Recess Appointments Announced

On Saturday, March 27, President Barack Obama announced his intent to "recess appoint" 15 nominees to administration positions, including one nominee to the National Labor Relations Board, Craig Becker, who has been a lightning rod for criticism from Republican lawmakers and the business community.

Recess appointments, which are called that because they are made while the Senate is in recess, are a tool that temporarily allows the President to circumvent the Senate's right to approve high level appointees by placing the appointee in his post until the end of the next session of Congress.

Becker, who has served as associate general counsel for the Service Employees International union since 1990 and an AFL-CIO staff counsel since 2004 is known to espouse views that many in the business community find disagreeable. For example, he has publicly stated his opinion that employers should have no role in union representation elections and should be excluded from participating in unfair labor practice cases filed against them by unions. He has also said union organizers should have unfettered access to employers' workplaces and to employees during union organizing, and he has argued for an expansion of bargaining rights to individuals who have traditionally been classified as supervisors.

Not surprisingly, labor unions have applauded the President's recess appointment of Becker. Change To Win Federation Executive Director Chris Chafe reacted to the announcement by noting that "the NLRB will now be able to function at the level that all working families deserve."

In contrast, the U.S. Chamber of Commerce has said that Becker's appointment should put the business community "on red alert for radical changes that could significantly impair the ability of America's job creators to compete." Echoing that sentiment, U.S. Rep. John Kline (R. - Minnesota) described the appointment as "simply the latest special interest giveaway in Washington's culture of union favoritism."

Also among the recess appointments were the President's long-standing choices for EEOC positions, including Jacqueline Berrien who most recently served as the associate director-counsel of the NAACP Legal Defense and Educational Fund.

For more information, please contact Paul Garry, Erika Dillon or any other MBT labor and employment lawyer at (312) 474-7900.

MBT is a leading litigation firm with 90 attorneys and offices in Chicago, Dallas and Phoenix. In addition to concentrating in labor and employment law, our attorneys focus on commercial litigation, insurance coverage, professional liability defense, attorney fee disputes and environmental law.

For more information, please visit www.mbtlaw.com.

MBT provides e-alerts for general information only; this information should not be construed as legal advice. Attorney Advertising.