



## Labor Relations Week™

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**25 LRW 165**

### **NLRB**

### **Obama Renominates Becker for NLRB Seat; Lawyer Received 2010 Recess Appointment**

President Obama Jan. 26 nominated Craig Becker (D), the former union lawyer who received a recess appointment to the National Labor Relations Board in 2010, to fill the remainder of a five-year term as a board member ending Dec. 16, 2014.

Obama originally announced his intention to nominate Becker in April 2009 (23 LRW 671, 4/30/09) and sent Becker's name to the Senate on July 9, 2009 (23 LRW 1159, 7/16/09). But the nomination encountered significant opposition in the Senate, and Becker failed to win confirmation when a February 2010 cloture motion to end debate on the nomination fell eight votes short of the 60 needed to proceed to a final vote (24 LRW 241, 2/18/10).

Forty-one Republican senators signed a March 2010 letter to Obama urging him not to recess appoint Becker, who had served as associate general counsel for the Service Employees International Union since 1990, and an AFL-CIO staff counsel since 2004. Asserting that Becker had published "highly controversial writings" on labor law, the senators also questioned Becker's "judgment, as well as his objectivity" after he explained his plans for recusing himself from board consideration of certain cases involving the AFL-CIO, SEIU, and SEIU local unions.

But on March 27, 2010, Obama gave Becker a recess appointment that allows him to serve until the end of the Senate's 2011 session (24 LRW 481, 4/1/10). Becker was sworn in on April 5, 2010 (24 LRW 571, 4/15/10). The board currently has a 3-1 Democratic majority, consisting of Chairman Wilma B. Liebman, Member Mark Gaston Pearce, and Becker. Brian E. Hayes is presently the only Republican member, but Obama nominated NLRB lawyer Terence F. Flynn (R) Jan. 5 to join the board (25 LRW 5, 1/6/11). The Senate has not yet acted on Flynn's nomination.

### **Obama's NLRB Choice Still Controversial**

Initial reactions to Obama's renomination of Becker echoed some of the

polarized views expressed during 2009 and 2010.

In a Jan. 27 statement, the Workforce Fairness Institute said that less than a day after delivering the State of the Union address, the president “broke his word to workers and small businesses” by renominating Becker, calling him a “labor radical.” WFI, which identifies itself as an organization committed to educating employers, employees, voters, and citizens about workplace issues, said the group would “work with small business owners to ensure the Senate once again rejects the Becker nomination in a bipartisan manner.”

On Jan. 27, the U.S. Chamber of Commerce distributed a blog post in which Glenn Spencer, executive director of the chamber's Workforce Freedom Initiative, wrote that Obama's renomination of Becker opened “chapter two” in a “fight” over selection of the lawyer.

Calling the president's action “more payback for organized labor,” Spencer predicted that Senate confirmation of Becker is unlikely, and said, “It's clearly time to consider a more balanced and mainstream nominee.”

But the AFL-CIO supports the nomination. In a Jan. 27 e-mail, federation spokesman Josh Goldstein said, “Last year, Senate Republicans reprehensibly blocked an up-or-down vote for Craig Becker to serve on the National Labor Relations Board.”

Calling Becker a “highly respected and qualified” nominee and stating that a fully staffed NLRB is critical to “justice in the workplace,” Goldstein wrote “Republicans will again have a chance to reject politics-as-usual and put the needs of American working families over their own political interests. Ball's in their court now.”

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ISSN 1522-8819

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