

At 11:30am on Monday, November 18, the two unions that represent employees of the National Labor Relations Board will hold an unprecedented joint rally outside NLRB Headquarters at 1015 Half St SE, Washington DC to protest management abuses by NLRB General Counsel Peter Robb and NLRB Chairman John Ring. We will be joined by Representative Jan Schakowsky (D-IL 9th District) and potentially other Members of Congress, and the rally will include a special appearance by Scabby the Rat. There will also be companion protests at several regional NLRB offices across the country.

The two unions that represent NLRB employees are the NLRB Union (NLRBU), which represents employees at the 49 field offices around the country and administrative staff at headquarters, and the NLRB Professional Association (NLRBPA), which represents professional employees at headquarters. The protests are in response to the NLRB's imposition of Executive Orders that illegally sabotage the unions' ability to represent their members and to the Agency's unlawful failure to spend funds allocated by Congress.

Background on the Executive Orders

In May 2018, President Trump signed three Executive Orders that illegally rewrote the basic rules that govern the relationship between federal sector unions and management. The Executive Orders were so extreme that a federal judge enjoined them as inconsistent with the federal government's statutory obligation to bargain in good faith. But, without reaching the merits, the DC Circuit lifted the injunction and held that federal sector unions must challenge the Executive Orders via the Federal Labor Relations Authority (FLRA), which the President has left without a general counsel and thus unable to prosecute cases. Without any viable short-term recourse, the NLRB's civil service unions have seen their rights extinguished overnight.

On the evening of Friday, October 18, 2019, the NLRB began unilaterally imposing the Executive Orders. The Agency first eliminated both unions' statutory right to official time for most representational activity. The Agency subsequently prohibited the unions from using any government property (offices, computers, email, phones, etc.) to conduct union business. Worse still, Robb and Ring implemented the sweeping prohibitions in ways that grossly exceed the terms of the Executive Orders. Specifically, Robb and Ring implemented the Orders without first bargaining in good faith, prohibited the use of official time in almost every circumstance, and did not take any measures to limit the destructive impact of the orders on employees' statutorily protected rights, such as, for example, offering the unions the opportunity to compensate the Agency for the use of property, as described in the OMB Guidance documents. NLRB leadership has exceeded the executive orders in an effort to destroy both unions' operations and further destabilize the Agency's workforce.



Background on the Impoundment of Funds

General Counsel Robb's and Chairman Ring's mismanagement has left the NLRB indefensibly understaffed and has undermined the mission of the Agency. Regional staffing levels have fallen dramatically by 20% nationwide in two years. At the same time, the Agency has failed to spend millions of dollars appropriated by Congress, flouting the terms of the Impoundment Control Act and depriving the Agency of the resources allocated by Congress to fulfill the Agency's mission.

Statement from Karen Cook, President, NLRBPA

"This is an agency dedicated to promoting collective-bargaining and protecting workers right to organize, so it is especially shameful to see our leadership engage in such blatant conduct."

Statement from Burt Pearlstone, President, NLRBU

"By withholding funds appropriated by Congress for two consecutive years, it appears that NLRB leadership has violated the law and we hope the Comptroller General of the United States will investigate this abuse of power."

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