

STATEMENT OF

LAFE SOLOMON  
ACTING GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD

BEFORE THE

SUBCOMMITTEE ON LABOR, HEALTH, AND HUMAN SERVICES, EDUCATION,  
AND RELATED AGENCIES  
COMMITTEE ON APPROPRIATIONS

UNITED STATES HOUSE OF REPRESENTATIVES

APRIL 6, 2011

Mr. Chairman and distinguished Members of the Subcommittee:

It is an honor and a privilege to appear before you today as the Acting General Counsel of the National Labor Relations Board. Indeed, for a kid who grew up in Helena, Arkansas and has now worked for the NLRB for nearly 39 years, “honor and privilege” feels like an understatement.

My nine months as Acting General Counsel have been both challenging and rewarding. Like the General Counsels before me, I have emphasized the need for the Regional Offices to seek effective remedies for the most serious unfair labor practices. I am proud that in its first four months, my initiative to seek quick injunctive relief for employees unlawfully discharged during an organizational campaign has resulted in 42 offers of reinstatement and \$354,978 in backpay, with the average case taking just 61 days to process. I am also proud that we successfully ran the largest mail ballot election in our history last October--a unit of approximately 43,000 employees. But whatever successes I have had are due mainly to the dedicated and talented career employees that we have at every grade level throughout the Agency. They believe passionately in the mission of the Agency and the Act that we administer and work tirelessly to enforce the rights and obligations of employees, unions, and employers under the Act.

The Agency is all about people. In recent years, 25,000 to 30,000 charges and petitions have been filed annually in our offices around the United States by employees, unions, and employers. In each of these cases, employees are seeking an election or someone is claiming that an unfair labor practice has been committed by a union or an employer. Each case is assigned to one of the 1,170 employees in our 51 field offices, and we have been remarkably successful year after year in resolving those cases quickly and efficiently.

Some statistics from FY 2010 illustrate this point:

- Of the 3,044 representation cases filed, 86.3% of them were resolved within 100 days of filing.
- Of the 23,509 unfair labor practice cases filed, 73.3% of them were resolved within 120 days of filing.
- 64.4% of unfair labor practice cases filed were found after investigation to be without merit and were dismissed or withdrawn.
- 95.8% of unfair labor practice cases found meritorious after investigation were settled without litigation.
- The Regional Offices recovered \$86,557,684 on behalf of employees as backpay or reimbursement of fees, dues, and fines, and a total of 2,250 employees were offered reinstatement.

The Board's ability to resolve so many controversies in a relatively brief period significantly contributes to the maintenance of industrial peace, thereby saving expense to respondents, to charging parties, and to the taxpayers. Yet, these impressive results are completely dependent on our ability to maintain adequate staffing levels. Without adequate appropriations to maintain sufficient Agency personnel to handle these cases, delays and backlogs will inevitably increase, and the benefit of quick resolution to cases, most often by dismissal or settlement, will evaporate. In short, budget shortfalls have a direct impact on staffing resources, casehandling, and Agency performance. There is simply no way around that fact.

The \$287.7 million requested in President Obama's budget will fund essential staffing, space requirements, long-term investments in IT, casehandling costs, employee development needs, and other operational costs needed to achieve the Agency's mission and goals. Most of our proposed fiscal year 2012 budget--about 80% -- is dedicated to personnel costs; about 10% is required for rent and security; and the remaining percentage is allocated among all other operating costs and activities. The \$4.3 million increase we seek for fiscal year 2012 is less than a 2% increase over our current funding level of \$283.4 million and is needed primarily to keep pace with increased personnel costs associated with a stable, long-tenured workforce and increases in rent and travel costs.

We are also in the process of studying how, using our present and future technological advances, the Agency could work in a more efficient and cost-effective manner. To this end, Chairman Liebman and I have created an Agency-wide work group, including representatives from our Regional Offices, Headquarters, and our employee unions. We have instructed this group to do a comprehensive assessment of the Agency's structure, processes, and footprint and to make recommendations to us by the end of this fiscal year of options for changes that we should consider to improve our service to the public and use taxpayer money effectively, while at the same time continuing to carry out our statutory mandate. We are also mindful, however, that structural changes take time to implement successfully, including time to have meaningful consultations with our stakeholders.

I am proud to be associated with the traditions that have made the headquarters and field operations of the Office of the General Counsel such a fine example of effective public service. Speaking for all of our employees, we look forward to the challenges that lie ahead, steadfast in our desire to provide the highest level of service to the labor-management community and the

public whom we serve. We look forward to working with you, Mr. Chairman, with this committee, and with Congress on this very important mission.