

The NLRB

What It Is,

What It Does



National Labor Relations Board
Washington, D.C. 20570

INTRODUCTION

Teamster members working in the private sector are protected by the National Labor Relations Act (NLRA), a federal law that governs labor-management relations in the United States. Enacted in 1935, the NLRA gave most workers the right to organize, form unions and bargain collectively. It is administered and enforced by the National Labor Relations Board – or the Board.

WHAT IS THE NLRB?

The National Labor Relations Board is an independent federal agency created by Congress to administer the National Labor Relations Act, the basic law governing relations between labor unions and the employers whose operations affect interstate commerce.

The law guarantees certain employees the right to organize and bargain collectively with their employers. (The 1947 Taft-Hartley Amendment to the Act also protected those employees who wish “to refrain” from such activity.) Generally applying to all employers involved in interstate commerce—other than airlines, railroads, agriculture, and Government—the Act implements the national labor policy of assuring free choice and encouraging collective bargaining as a means of maintaining industrial peace.

Through the years, Congress has amended the Act and the Board and courts have developed a body of law drawn from the statute. This handout intends to provide a brief explanation of the Act.

WHAT DOES IT DO?

Under the NLRA the Board has two principal functions: (1) to determine, through secret-ballot elections, the free democratic choice by employees as to whether or not they wish to be represented by a union in dealing with their employers and, if so, by which union; and (2) to prevent and remedy unlawful acts, called unfair labor practices, by either employers or unions.

The Act's election provisions provide the authority for conducting representation elections, which determine the views of the employees regarding representation by a labor union. Its unfair labor practice provisions place certain restrictions on actions of both employers and labor organizations in their relations with employees, as well as with each other.

The Agency does not act on its own motion in either function. It processes only those charges of unfair labor practices and petitions for employee elections, which are filed with the NLRB in one of its Regional, Subregional, or Resident Offices. (Please see reverse side for locations of these offices.) The staff in these offices is available to assist the public with inquiries concerning the Act and to provide appropriate forms and other technical assistance to those who wish to file charges or petitions.

WHAT DOES THE ACT PROVIDE?

The Act sets forth the basic rights of employees as follows:

- To self-organization.
- To form, join, or assist labor organizations.
- To bargain collectively about wages and working conditions through representatives of their own choosing.
- To engage in other protected "concerted activities," that is, to act together for purposes of collective bargaining or other mutual aid or protection.
- To refrain from any of these activities. (However, a union and employer may, in a State where such agreements are permitted, enter into a lawful union-security clause.)

The Act prohibits both employers and unions from violating these employee rights. As an example, an employer may not discriminate against employees with regard to hiring, discharge, or working conditions because of their union activities. A union may not engage in acts of violence against employees who refrain from union activity. These examples are for illustration only.

WHAT IS THE NLRB'S STRUCTURE?

The NLRB consists of two major, but separate, components. The Board itself has five members, appointed by the President and confirmed by Congress, who serve five-year (staggered) terms; its primary purpose is to hear and rule upon cases related to the NLRA. The other component is an independent General Counsel, appointed by the President to a 4-year term, who is responsible for the investigation and prosecution of unfair labor practice cases and for the general supervision of the NLRB field offices in the processing of unfair labor practice and representation cases.

Each Regional Office is headed by a Regional Director who is responsible for making the initial determination in unfair labor practice and representation cases arising within the geographical area served by the Region (including any Resident or Subregional Offices within the Region).

WHAT ARE THE NLRB'S PROCEDURES?

Representation Cases

In a typical representation election case, a union, employer, or individual files a petition with the field office requesting that an election be held among a particular group of employees (referred to as a "bargaining unit") to determine whether the group wishes to be represented, or wishes to continue to be represented, by a union. A petition filed by a union or an individual must be supported by showing that at least 30 percent of affected employees desire an election.

If the Region's investigation reveals that the petition should be processed, attempts are made to secure agreement of the parties on the issues involved, including the appropriate unit and the time and place of the election. Over 80 percent of meritorious election petitions result in such agreements. If an agreement cannot be reached, the Region conducts a hearing. On the basis of the record of the hearing, the Regional Director issues a decision disposing of the issues. The Regional Director's decision may be appealed to the Board.

Unfair Labor Practice Cases

When an unfair labor practice charge is filed, the appropriate field office conducts an investigation to determine whether there is reasonable cause to believe the Act has been violated. If the Regional Director determines that the charge lacks merit, it will be dismissed unless the charging party decides to withdraw the charge. A dismissal may be appealed to the General Counsel's office in Washington, DC.

If the Regional Director finds reasonable cause to believe a violation of the law has been committed, the Region seeks a voluntary settlement to remedy the alleged violations. If these settlement efforts fail, a formal complaint is issued and the case goes to hearing before an NLRB administrative law judge. The judge issues a written decision, which may be appealed to the Board for a final Agency determination. That final determination is subject to review in the Federal courts. More than 90 percent of the unfair labor practice cases filed with the NLRB are disposed of in a median of 45 days without the necessity of formal litigation before the Board. Only about 4 percent of the cases proceed to Board decision.

Since its establishment, the NLRB has processed more than 900,000 unfair labor practice charges and conducted in excess of 360,000 secret-ballot elections. The Agency handles approximately 40,000 cases each year, including more than 7,000 representation petitions.

FOR ADDITIONAL INFORMATION

Please feel free to contact the nearest office of the NLRB for further information or to receive e publications referred to here. The Agency also has published a more extensive pamphlet, "A Guide to Basic Law and Procedures Under the National Labor Relations Act" (available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402). Visit the web site at www.nlr.gov.

THE NATIONAL LABOR RELATIONS BOARD
Main Office: Franklin Court Building, Suite 5530
1099 14th Street, NW
Washington, DC 20570-0001
Telephone: (202) 208-3000

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