# POSITION DESCRIPTION

# board member, national labor relations board

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| **OVERVIEW** |
| Senate Committee | Health, Education, Labor and Pensions  |
| Agency Mission | The National Labor Relations Board (NLRB) is an independent federal agency that protects the rights of private-sector employees to join together, with or without a union, to improve their wages and working conditions.[[1]](#endnote-1) |
| Position Overview | The board has five members and primarily acts as a quasi-judicial body to decide cases, based on formal records in administrative proceedings.[[2]](#endnote-2) Board members serve staggered five-year terms and are responsible for adjudicating unfair labor practice charges and determining union representation questions.[[3]](#endnote-3) |
| Compensation | Level IV $155,500 (5 U.S.C. § 5315)[[4]](#endnote-4) |
| Position Reports to | Any member of the board may be removed by the president, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. (29 U.S.C. § 153) |
| **RESPONSIBILITIES** |
| Management Scope | In fiscal 2015, the NLRB had $271 million in budget outlays and 1,587 employees.[[5]](#endnote-5) Each board member has about 17 lawyers in their personal staff. |
| Primary Responsibilities | * Serves as an appellate court in deciding whether or not to uphold the decisions of administrative law judges; cases are brought to the board by the NLRB general counsel, who oversees the prosecution of cases before administrative law judges
* Decides whether employees should be represented by a union when the results from an employee election to form a union are either disputed or inconclusive (for example, a dispute over whether 50 percent plus one of employees want a union)
* Note: The president designates a board member to serve as chairman (29 U.S.C. § 153)
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| Strategic Goals and Priorities | * To expeditiously and fairly decide cases
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| **REQUIREMENTS AND COMPETENCIES** |
| Requirements | * Board requirements:
* Since the board become a five-member board in 1947, it has consisted of three members of the president’s political party and two members of the other major political party
* Board members cannot continue to serve beyond their five-year term until replaced, but members can be reappointed
* Candidate requirements:
* Knowledge and experience with labor law
* Ability to act in a judicious capacity as an appellate judge
* Law degree (extremely common)
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| Competencies | * High level of integrity
* Ability to function in a nonpartisan fashion
* Neutral and unbiased
* Strong sense of professional ethics
* Ability to relate well with fellow board members and work collaboratively
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| **PAST APPOINTEES** |
| Lauren McGarity McFerran (2014 to 2017): Deputy Staff Director/Chief Labor Counsel, Senate Committee on Health, Education, Labor and Pensions; Labor and Pensions Policy Director, Senate Committee on Health, Education, Labor and Pensions; Senior Counsel, Senate Committee on Health, Education, Labor and Pensions[[6]](#endnote-6) |
| Nancy Jean Schiffer (2013 to 2017): Associate General Counsel, American Federation of Labor and Congress of Industrial Organizations; Associate General Counsel and Deputy General Counsel with the United Auto Workers; Associate General Counsel, American Federation of Labor and Congress of Industrial Organizations[[7]](#endnote-7) |
| Mark Gaston Pearce (2010 to 2017): Member, Industrial Board of Appeals, Department of Labor, State of New York; Founding Partner, Creighton, Pearce, Johnsen & Giroux; Attorney and District Trial Specialist, Region 3 – Buffalo, New York, Offices of the Board, National Labor Relations Board[[8]](#endnote-8) |

1. https://www.nlrb.gov/who-we-are [↑](#endnote-ref-1)
2. https://www.nlrb.gov/who-we-are [↑](#endnote-ref-2)
3. OPM [↑](#endnote-ref-3)
4. The Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017), contains a provision that continues the freeze on the payable pay rates for certain senior political officials at 2013 levels during calendar year 2017. [↑](#endnote-ref-4)
5. Leadership Directories: https://lo.bvdep.com/OrgDocument.asp?OrgId=-1&LDIBookId=19&LDIOrgId=155352&LDISecId=201&FromRecent=0&Save=1&Position=-1#O155352 [↑](#endnote-ref-5)
6. Leadership Directories: https://lo.bvdep.com/PeopleDocument.asp?PersonId=-1&LDIPeopleId=638268&Save=1 [↑](#endnote-ref-6)
7. https://www.nlrb.gov/who-we-are/board/nancy-j-schiffer [↑](#endnote-ref-7)
8. Leadership Directories: https://lo.bvdep.com/PeopleDocument.asp?PersonId=-1&LDIPeopleId=891608&Save=1 [↑](#endnote-ref-8)