

**Transcript of @LRToday's Live-Tweeting
House Committee on Education and the Workforce February 11, 2011 Hearing
"Emerging Trends at the National Labor Relations Board"**

@[DrPhilRoe](#) gavels in @[edworkforce](#) Committee Hearing on recent [#NLRB](#) activity.
<http://bit.ly/dJgwhi>

@[edwokforce](#) @[DrPhilRoe](#): [#NLRB](#) has abandoned fairness and mission, embarked on activist agenda. <http://bit.ly/dJgwhi>

@[edworkforce](#) Rep. Robert Andrews: [#NLRB](#) more fair now, as 85% of recent cases unanimous. Up from Bush Board. <http://bit.ly/dJgwhi>

@[edworkforce](#) Rep. Robert Andrews: [#NLRB](#) hearing is not productive use of time, resources. <http://bit.ly/dJgwhi>

@[edworkforce](#) Rep. Robert Andrews: political, judicial & legislative remedies exist to address [#NLRB](#) decisions. <http://bit.ly/dJgwhi>.

@[edworkforce](#) Chair @[DrPhilRoe](#) introduces [#NLRB](#) heaing witnesses: Miscimarra, Rosenfeld, Estlund, King <http://bit.ly/dJgwhi>

Miscimarra: recent bannering decisions eliminate NLRA's secondary boycott protections. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Miscimarra: recent decisions reflect policy changes more properly made by Congress @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund: [#NLRB](#) recent activity entirely consistent with mission and history.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Rosenfeld: endorsed passage of Secret Ballot Protection Act. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund: [#NLRB](#) recent rulemaking and amicus solicitation appropriate. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund: nothing wrong or atypical about [#NLRB](#)'s reconsideration of precedents.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund: none of recent [#NLRB](#) case decisions "break new ground". @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund: AGC's recent 10(j) memo resulting in more and successful 10(j) injunctions.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King: passage of Secret Ballot Protection Act would solve AGC's preemption debate.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King: problem -- we don't have a fully confirmed [#NLRB](#) -- "not good policy"
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King: "we ought to have a fully confirmed 5 Member Board" before tackling big issues
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King: [#NLRB](#) is hurrying its agenda to accommodate Member Becker and Chair,
expiring soon. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King: ought to be using the APA more carefully, amicus briefs are not substitute.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King: House can withhold funding to agency improperly pursuing rulemaking.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King: [#NLRB](#) should follow dictate of EO to review regs. @[edworkforce](#) [#NLRB](#) hearing.
<http://bit.ly/dJgwhi>

King to Rep. Heck (R-NV): Specialty Healthcare improper vehicle, unnecessary, activist.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King to Rep. Heck (R-NV): Healthcare facility union access, bannerng disruptive to
care. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Miscimarra to Rep. Andrews (D-NJ): secret ballot issue should be solved by Congress,
not AGC @[edworkforce](#) [#NLRB](#) hearing <http://bit.ly/dJgwhi>

Rep. Andrews (D-NJ): inappropriate for AGC to write letter to states re secret ballots?
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

King to Rep. Andrews (D-NJ): hope AGC would be as active in labor's state initiatives.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Rep. Roby (R-AL): [#NLRB](#) current course concerns me, as Rep of [#RTW](#) state.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Rep. Roby (R-AL): [#NLRB](#) rulings show intent to erode Right To Work ([#RTW](#)) status.
@[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Miscimarra to Rep. Roby (R-AL): [#NLRA](#) silent on NLRB's authority to propose Notice
rule. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Miscimarra to Rep. Roby (R-AL): [#NLRB](#) proposed Notice rule creates a new ULP. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund to Rep. Kildee (D-MI): Courts have upheld [#NLRB](#) authority for rulemaking like this. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund to Rep. Kildee (D-MI): Recent [#NLRB](#) decisions do not overrule any precedent. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund to Rep. Kildee (D-MI): Recent decisions show renewed focus to protect E'ee rights. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Estlund to Rep. Kildee (D-MI): NLRB set up to reflect political choices of the people. @[edworkforce](#) [#NLRB](#) hearing. <http://bit.ly/dJgwhi>

Miscimarra to @[CongressmanGT](#) (R-PA): Dana/Metaldyne protects employee right to a vote. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Miscimarra to @[CongressmanGT](#) (R-PA): reversal of Dana denies opportunity. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Estlund to @[CongressmanGT](#) (R-PA): 99% of Dana votes do not result in decert. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

@[CongressmanGT](#) (R-PA): after Carpenters, what is left of secondary boycott prohibition? @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Miscimarra to @[CongressmanGT](#) (R-PA): This permitted bannering is all directed at pressuring neutrals @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. @[RushHolt](#) (D-NJ): the [#NLRB](#) proposed Notice is clear, balanced presentation of law @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. @[RushHolt](#) (D-NJ): [#NLRB](#) proposed Notice addresses lack of knowledge of rights. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. @[RushHolt](#) (D-NJ): the [#NLRB](#) proposed Notice states law as has existed since 1935. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Rep. DesJarlais (R-TN): what is coming next? @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Miscimarra to Rep. DesJarlais (R-TN): still need to deal with back-log of cases from 2-Member era. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Miscimarra to Rep. DesJarlais (R-TN): likely to see Bush Board reversals based on Dem dissents. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Rosenfeld to Rep. DesJarlais (R-TN): AGC's new approach makes "extraordinary remedies" routine. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. Hinojosa (D-TX): IMO, proposed Notice rule is long overdue. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. Hinojosa (D-TX): In order to ensure enforcement, employees must know rights. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

King to Rep. Hinojosa (D-TX): re Notice rule -- May agree with principle, dispute over content. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

King to Rep. Hinojosa (D-TX): Amicus briefs not proper substitute for rule-making procedures. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Rosenfeld to Rep. Noem (R-SD): NLRB's role is to protect employees, not set labor policy. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Rosenfeld to Rep. Noem (R-SD): Labor has tried to "balkanize" -- easier to pass State/City laws. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. Noem (R-SD): These 4 State secret ballot cases are "easy" preemption cases. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Rep. Tierney (D-MA): "Extraordinary gripe session for employers labor bar today" @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. Tierney (D-MA): recess appointments and vacancies on NLRB not troubling. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Rep. @[ToddRokita](#) (R-IN): Today's hearing "is all about jobs." @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Rep. @[ToddRokita](#) (R-IN): Are Regional Office employees acting more aggressively? @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

King to Rep. @[ToddRokita](#) (R-IN): increased regional activity requires retention of counsel. @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. Scott (D-VA): #[NLRB](#) must be "aggressive" protecting rights vs "aggressive" employers @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Rep. Barletta (R-PA): what protection do employees have from remedy to provide union w/contact info? @[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

King to Rep. Barletta (R-PA): This Board is "quite activist" - more amicus, rulemaking, reversals. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

King to Rep. Barletta (R-PA): "quite activist" - issues added in amicus solicitations not in cases. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Rosenfeld to @[RepMcCarthyNY](#) (D-NY): state secret ballot language on its face should be preempted. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Rosenfeld to @[RepMcCarthyNY](#) (D-NY): how state secret ballot language is interpreted may be issue. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

King to @[RepMcCarthyNY](#) (D-NY): these secret ballot referenda at unprecedented rate, important @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

@[RepMcCarthyNY](#) (D-NY): "...many states are anti-[#union](#)," which means they are anti-worker. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Estlund to @[RepMcCarthyNY](#) (D-NY): Canada and Europe weathered recession better with higher union [#s](#) @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Rep. Ross (R-FL): 22 Right to Work ([#RTW](#)) states have better economies. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Estlund to Rep. Ross (R-FL): [#EFCA](#) could not be enacted as written by rulemaking w/o Congress action @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

King to Rep. Ross (R-FL): Management concern is whether parts of [#EFCA](#) might be achieved by activism @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

@[DrPhilRoe](#) (R-TN): "Office bulletin boards look like NASCAR driver suit." @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

King to @[DrPhilRoe](#) (R-TN): How much does this economy have to bear with regulation? @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Estlund to @[DrPhilRoe](#) (R-TN): Employer resistance to unionization is why [#NLRB](#) must assert self. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

King to @[DrPhilRoe](#) (R-TN): Hope this body will look at the TEAM Act, passed in earlier Congress. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Rep. Kildee (D-MI): "Nullification" echoes in preemption arguments. @[edworkforce](#) [#NLRB](#) <http://bit.ly/dJgwhi>

Chair @[DrPhilRoe](#) (R-TN): fought overseas for right to vote by secret ballot.
@[edworkforce](#) #[NLRB](#) <http://bit.ly/dJgwhi>

Chair @[DrPhilRoe](#) (R-TN): secret ballot must be written into the statute. @[edworkforce](#)
#[NLRB](#) <http://bit.ly/dJgwhi>

House @[edworkforce](#) Committee Hearing on "Emerging Trends at #[NLRB](#)" adjourns.
Will update our blog post shortly: <http://bit.ly/dJgwhi>