

## Senate Action Needed to Maintain a Pro-Worker NLRB

### ***What is the National Labor Relations Board (NLRB)?***

- The NLRB is a federal agency responsible for ensuring fair labor practices and fostering workplace democracy across the United States.
- The agency carries out its mission through its role in overseeing union elections and makes decisions on conflicts related to organizing and collective bargaining, such as when an employer engages in illegal tactics during a strike or during negotiations.
- The NLRB is made up of a five-person Board, a General Counsel, and 26 Regional Offices.

### ***Current and Upcoming Board Vacancies:***

- On the Board, one seat is currently vacant and Chair Lauren McFerran's term ends on December 16, 2024.
- As part of a bipartisan package, Joshua Ditelberg was nominated to fill the vacant seat and Chair McFerran was re-nominated for another five-year term. Both await Senate confirmation.

### ***Why Re-Confirm Chair McFerran?***

Under Chair McFerran leadership, we have seen undoubtedly the most pro-worker NLRB. For example, the McFerran Board has:

- Reduced delays in union elections to counter employer stalling tactics. ([Election Rule](#) (usw.to/56d))
- Simplified union recognition for workers after unfair labor practices. ([Cemex Construction Materials Pacific, LLC](#) (usw.to/56c))
- Cracked down on restrictive employee handbooks chilling labor rights ([Stericycle Inc.](#) (usw.to/56f))
- Expanded remedies for workers illegally fired ([Thryv Inc.](#) (usw.to/56e))
- Clarified that it is illegal for employers to claim unionization will harm employer-employee relations ([Siren Retail Corp d/b/a Starbucks](#) (usw.to/56g))
- Banned captive audience meetings during union organizing efforts ([Amazon.com Services LLC](#) (usw.to/56h))

### ***Who is Joshua Ditelberg?***

- With 30 years of experience in labor and employment law, Joshua Ditelberg is currently a partner at Seyfarth Shaw LLP in Chicago, IL.
- Ditelberg is a member of the American Bar Foundation and the College of Labor and Employment Lawyers, and has held leadership roles in the Chicago Chapter of the Labor and Employment Relations Association.

### ***Why is Immediate Action Critical?***

- If Chair McFerran's term lapses, the Board will be reduced to just three Members, limiting its ability to take meaningful action.
- Historically, the NLRB avoids significant case decisions when operating with only three Members.
- Confirming the two nominees would:
  - Restore all five seats on the Board.
  - Ensure a pro-worker majority through at least August 2026, protecting workers' rights amid potential anti-worker policies.

To view USW's International President David McCall's letter to the Senate regarding this issue, please click [here](#). (usw.to/56b)