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NLRB REPORTS ON CASE PRODUCTION IN FY 2008

The National Labor Relations Board issued 328 decisions in contested cases during Fiscal Year 2008, which ended on September 30. Of this total, 241 were unfair labor practice (C) cases, and 87 were representation (R) cases. The two-member quorum, comprised of Chairman Peter C. Schaumber and Member Wilma B. Liebman, issued 255 of those decisions.

At full strength, the Board consists of five Members, appointed by the President and confirmed by the Senate. Since January 1, 2008, the Board has had just two Members. In January of this year, the two-Member Board exercised its statutory authority, given effect as a result of the December 28, 2007 delegation of the Board Members then serving, to continue to decide cases under the National Labor Relations Act.

At the end of Fiscal Year 2008, the Board's inventory of pending cases stood at 171, down from 207 at the beginning of the fiscal year. This is the sixth year in a row that the Board's inventory of pending cases has declined, and the current backlog now stands at a historically low level. However, the Board, hampered by vacancies, was unable to meet its internal goals pursuant to the Government Performance Results Act (GPRA): namely to dispose of 90% of R cases pending as of October 1, 2007, and to dispose of 90% of C cases pending as of May 31, 2007. The internal GPRA goals were established while the Board had five members and were based on the assumption that the Board would continue at full strength during the fiscal year. Even with only two members since January 1, the Board succeeded in significantly reducing the number of pending GPRA cases: from 106 to 49 C cases (a 54% reduction); and from 58 to 16 R cases (a 72% drop).

Chairman Schaumber stated that the Board's success in continuing to carry out its statutory mission to the fullest extent possible under the circumstances was a tribute to the cooperation of his colleague, Member Liebman, and the dedicated work of the Board's career professionals.

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