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WHITE HOUSE ANNOUNCES THREE NLRB NOMINATIONS

Late in the day on July 9, 2009, the White House announced that it had sent to the Senate the nominations of Craig Becker, Mark Gaston Pearce, and Brian Hayes to be members of the National Labor Relations Board. If confirmed by the Senate, the Board would have a full complement of five members for the first time since December 16, 2007. The sitting members are Chairman Wilma B. Liebman and Member Peter C. Schaumber.

Earlier, on April 24, 2009, President Obama had announced his intention to nominate labor law attorneys Craig Becker and Mark Gaston Pearce for the two vacant Democratic seats on the Board [see Bulletin]. The intent to nominate Mr. Hayes to fill the vacant Republican seat was announced yesterday shortly before the nominations were sent to the Senate.

Mr. Hayes currently serves as the Republican Labor Policy Director for the U.S. Senate Committee on Health, Education, Labor and Pensions (HELP). Mr. Hayes's term would expire on December 16, 2012. Mr. Pearce, in private practice with a Buffalo, NY law firm, would have a term ending August 27, 2013. Mr. Becker, Associate General Counsel of the Service Employees International Union and the AFL-CIO, would have a term ending December 16, 2014. Chairman Liebman's term expires on August 27, 2011, and Member Schaumber's term ends August 27, 2010. By tradition, three of the five Board seats are filled by individuals of the same political party as the President in office.

The White House statement summarized as follows Mr. Hayes' background prior to his present position on the Senate committee:

Previously, Mr. Hayes was in private legal practice for over twenty-five years. His practice was devoted exclusively to representing management clients in all aspects of labor and employment law. He has represented employers in scores of cases before the National Labor Relations Board, the Equal Employment Opportunity Commission, and various state fair employment practice agencies. He has served as chief trial counsel in the full range of employment claims in both state and Federal courts. Mr. Hayes has extensive experience in negotiating labor contracts on behalf of management clients, as well as representing clients in arbitrations, mediations and other forms of alternative dispute resolution. He has argued a number of significant labor cases before the Federal Courts of

Appeal; and regularly counseled clients regarding compliance with the full range of state and Federal labor laws including OSHA, FMLA, Title VII and the Fair Labor Standards Act. Before entering private practice, Mr. Hayes clerked for the Chief Judge of the National Labor Relations Board and thereafter served as Counsel to the Chairman of the NLRB. In addition to his private practice Mr. Hayes was a member of the adjunct faculty at Western New England Law School where he taught classes in Labor Law, Collective-Bargaining, Arbitration and Employment Litigation. He is a member of the Massachusetts and District of Columbia bars, and the American Bar Association and its Labor and Employment Law Section. Mr. Hayes earned his undergraduate degree from Boston College and his law degree from Georgetown University Law Center.

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