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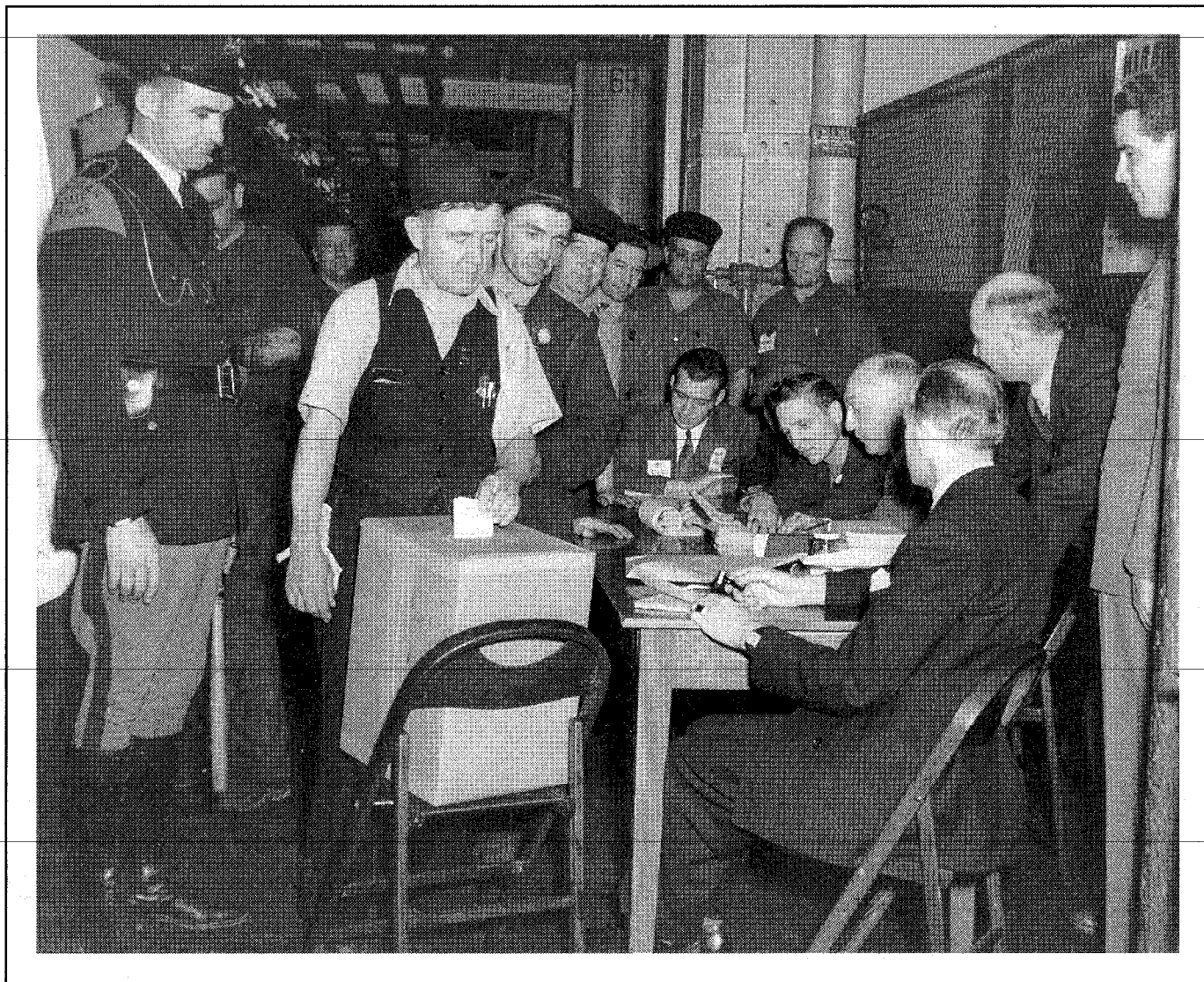


THE STORY OF THE

NATIONAL LABOR RELATIONS BOARD

1935-1995

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ACKNOWLEDGMENTS

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In addition to the NLRB 60th Anniversary Committee members, we thank the ABA's Section of Labor and Employment Law coordinating committee—in particular, Barbara Berish Brown, Stephen E. Tallent, Harold J. Datz, and Lawrence J. Cohen—for their valuable contributions to this tribute. We are especially grateful to Robin K. Roy, Diane L. Nickolson and Judith A. Minx of the American Bar Association, for their hard work on this project.

A special acknowledgment also goes to William T. Little, former Regional Director in Indianapolis, Indiana, for his work on an earlier edition of this book. Mr. Little retired from the NLRB in 1992 after more than 50 years of service and has since passed away.

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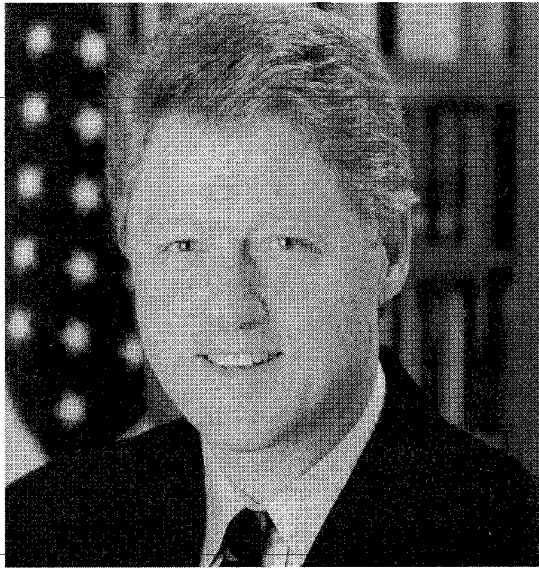
Gloria J. Joseph
Director
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¹ Recess appointment effective December 23, 1994, to replace Dennis M. Devaney, whose term expired December 16, 1994.

² Designation effective December 23, 1994.

³ Designation effective August 10, 1994, to replace John E. Higgins, Jr., who is serving as Acting Inspector General.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES



BILL CLINTON

THE WHITE HOUSE
WASHINGTON

April 28, 1995

Warm greetings to everyone celebrating the sixtieth anniversary of the National Labor Relations Board.

The passage of the Wagner Act six decades ago was a landmark achievement, reflecting America's commitment to supporting the hard-working citizens who keep our nation running strong. Today, societies around the world marvel at our system of collective bargaining between free and independent unions and employers. From conducting union representation elections to processing unfair labor practice charges, the NLRB has helped to advance our legacy of peaceful industrial relations. It continues to be a source of pride for all Americans.

I am proud to commend the NLRB on reaching this important milestone. Best wishes to all for a memorable celebration.

Bill Clinton

MESSAGE FROM THE CHAIRMAN AND BOARD MEMBERS



JAMES M. STEPHENS



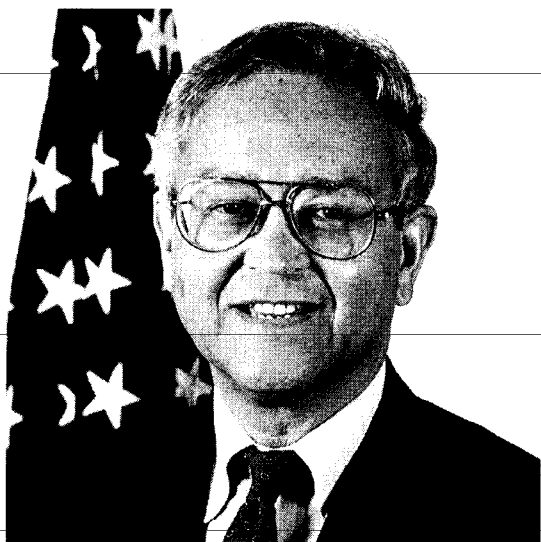
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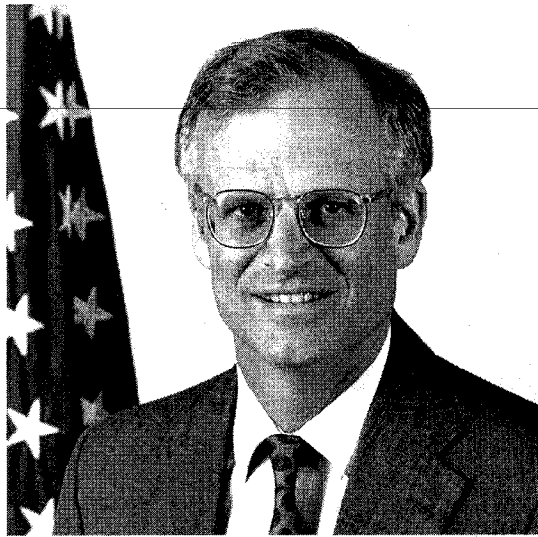
CHAIRMAN WILLIAM B. GOULD IV

THE TWO thousand women and men of the National Labor Relations Board are proud to celebrate the sixtieth anniversary of our Agency. On this occasion we are renewing our pledge to strengthen the NLRB's reputation for impartiality, integrity and efficiency in carrying out the mandates of the National Labor Relations Act. A primary mandate is to protect the right of employees to choose, without interference, to be represented for purposes of collective bargaining, or not, and to strengthen their right to collective bargaining with employers over wages, hours and working conditions.

Our unique system of free collective bargaining between independent unions and employers, with a minimum of government involvement, provides a workable mechanism for making the diverse adjustments required by our nation's transformation from an agrarian to an industrial society and to the space age in an increasingly global economy. Our agency, along with our stakeholders in business and unions, is the custodian of this system that is a foundation of America's democratic, free enterprise system.

The NLRB has fostered peaceful industrial relations through law. We are proud to be a part of this system and to contribute our share to constructive labor-management relations.

MESSAGE FROM THE GENERAL COUNSEL



GENERAL COUNSEL FREDERICK FEINSTEIN

IT is an honor to be General Counsel of the National Labor Relations Board during this 60th anniversary year. Throughout its history, the Board has made the twin national policies of labor peace and workplace democracy a reality for thousands of employers and millions of employees. The reason the NLRB has remained a vital force in American law and soci-

ety has been its ability to change and grow with the times. The countless employees who have spent time on the staffs of the general counsels or the Board members, spanning from a year or two to entire careers, have provided the energy, vision and imagination that have kept this agency young.

These 60th anniversary observances come at a time when technological advances, increased competition and other factors are bringing significant changes and challenges to the workplace. However, the original purposes and objectives of the Act—to promote stable and peaceful workplace relations by encouraging collective bargaining when favored by a majority of employees—remain constant. We at the NLRB face similar challenges as we consider how to adapt the implementation of the Act to the evolving workplace. As we have done in the past, we are continuing to reexamine what we do and the ways in which we do it, to ensure that the public's faith and investment in us are not misplaced.

I look forward to joining, with all who are willing, to build on the successes of the first 60 years to build a vibrant and vital NLRB for the 21st century.

INTRODUCTION: THE FIRST SIXTY YEARS

THE NATIONAL Labor Relations Board is an independent federal agency created in 1935 by Congress to administer the National Labor Relations Act, the basic law governing relations between labor unions and business enterprises engaged in operations affecting interstate commerce.

The statute guarantees the right of workers to organize and to bargain collectively with their employers or to refrain from all such activity. Generally applying to all interstate commerce—other than airlines, railroads and employees of governments—the Act implements that national labor policy of assuring free choice and encouraging collective bargaining as the best means of maintaining industrial peace.

Declared constitutional by the Supreme Court in 1937, the Act was amended substantially in 1947, 1959 and 1974, each amendment increasing the NLRB's statutory responsibilities.

The purpose of the Act is to serve the public interest by reducing interruptions in commerce caused by industrial strife. It seeks to do this by providing orderly processes for protecting and implementing the rights of employees, employers and unions in their relations with one another.

In its statutory assignment, the NLRB has two principal functions: (1) to determine and implement, through secret ballot elections, the free democratic choice by employees as to whether or not they wish to be represented by a union in dealing with their employers, and if so, by which union; and (2) to prevent and remedy unlawful acts, called unfair labor practices, by either employers or unions or both.

The agency does not act on its own motion in either function. It processes only those charges of unfair labor practices and petitions for employ-

ee elections which are filed in the NLRB's 52 regional, subregional and resident offices.

The NLRB has no independent statutory power to enforce its decisions and orders. It may, however, seek enforcement in the U.S. courts of appeals; parties to its cases also may seek judicial review.

The Act's unfair labor practice provisions place certain restrictions on actions of employers and labor organizations in their relations with employees, and with each other. Its election provisions provide the authority for conducting and certifying results of representation elections, which determine collective bargaining wishes of employees.

NLRB authority is divided by law and by delegation. The five-member Board primarily acts as a quasi-judicial body in deciding cases on formal records. The General Counsel, who, like each member of the Board, is appointed by the President with the advice and consent of the Senate, is responsible for the investigation and prosecution of unfair labor practice cases. The General Counsel exercises general supervision over the NLRB's network of field offices.

More than 90 percent of the unfair labor practice cases filed with the NLRB in the regional offices are disposed of by the regional offices in a median of some 40 days without the necessity of formal litigation before the Board. Only about four percent of the cases go through to Board decision.

The pages that follow tell the Board's story, mostly with photographs, over its six decades. This book does not attempt to be a comprehensive history of either the NLRB or development of the law under the Act. Rather, its purpose is to capture highlights of the agency's history and to serve as an album for the labor management community on the Act's 60th anniversary.

ELECTION AT FORD
MOTOR CO. RIVER
ROUGE PLANT,
DEARBORN, MICH.,
MAY 1941



“Democracy cannot work unless it is honored in the factory as well as the polling booth; men cannot be truly free in body and in spirit unless their freedom extends into the places where they earn their daily bread.”

SENATOR ROBERT F. WAGNER IN 1935,
UPON OFFERING HIS BILL THAT WAS TO BECOME
THE NATION'S BASIC LABOR LAW.