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**Rep. John Tierney (D-Mass.) Opening Statement for the Health, Employment, Labor, and Pensions Subcommittee’s Hearing, “What Should Workers and Employers Expect Next from the National Labor Relations Board?”**

Thank you, Chairman Roe.

This is the first hearing that’s occurred since I was elected to serve as Ranking Member of this Subcommittee – so, before beginning my official statement, I want to first thank Ranking Member Miller and my Democratic Committee colleagues for the support and confidence they’ve placed in me to serve in this capacity.

I have had the privilege of serving on this Subcommittee for many years, and I do so because its jurisdiction is so important and impacts the lives of so many workers, employers, retirees, and middle-class families.

I believe the things that really matter – ensuring all Americans can get a decent job that pays a fair wage, access affordable, quality healthcare, and retire with dignity and a little change in their pocket – are squarely in this Subcommittee’s jurisdiction.

They’re also priorities which I’ve fought for my entire career in Congress, so I’m honored to now serve as Ranking Member of this Subcommittee and ready to take up this new challenge.

Finally, I also want to thank Chairman Roe for the courtesy that he and his staff have extended me and mine to date – particularly on the multi-employer pensions crisis. I look forward to working with him on that complex issue and others in the weeks and months ahead. Thank you, Dr. Roe.

Now with respect to today’s hearing, in the past three and a half years, the Committee has held at least 16 hearings or mark-ups on the National Labor Relations Board, and today, we unfortunately are at it again.

It’s my understanding that witnesses will discuss two cases:

In the *Browning-Ferris* case, the Board has asked for input on whether to update and modernize the “joint-employer standard.” It is believed that the current standard does not reflect the reality of today’s workplaces. The second case, *Purple Communications* deals with the right of employees to use email to communicate regarding organizing, bargaining, or forming a union.

The Board has not come yet to a decision to change either of these standards. It is simply asking for comments.

In fact, according to one of the witness's testimony – and I am quoting here – “All indications are that what workers and employers should expect is that NLRB will decide these cases by carefully applying established legal principles to the particular facts of each case and that, in so doing, the Board will attempt to provide legal guidance to workers and employers who encounter similar situations in the future.”

Assuming that no one associated with the hearing would want to be perceived as attempting to “chill” NLRB Members from engaging in their job or attempt to influence a decision under consideration, one must wonder about the timing of this hearing and question its purpose.

I look forward to hearing the testimony and trust we will be informed and led by the facts and not spend time undermining the efforts or integrity of the Board, mischaracterizing its decisions, or maligning Board Members. That's not fair or productive.

Again, to quote one of the witness's testimony, “there is no reason to think whatsoever that workers and employers should expect anything from the NLRB in deciding these cases other than a thoughtful, considered application of established principles to the particular facts of each case.”

Mr. Chairman, after 16+ hearings and mark-ups, I think the subject of the NLRB has been covered.

In the few months we have remaining this session, I hope this Subcommittee, the full Committee, and this Congress will turn its attention to what many of us would consider incredibly urgent priorities of the American people – raising the minimum wage, extending unemployment insurance for the millions who need it, stopping employment discrimination based on sexual discrimination, ensuring pay fairness for women, and providing relief for the tens of millions of students and parents with student loan debt.

Again, I thank the Chair and yield back my time.

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