

The Protecting American Jobs Act

The National Labor Relations Board (NLRB) has the power to investigate and adjudicate union representation disputes, unfair labor practice complaints, and contract disputes, with federal court review only allowed in limited circumstances. Essentially, the NLRB acts as investigator, prosecutor, and judge with an unelected and unaccountable membership that turns over every few years—a structure poorly suited to ensure due process for either employees or employers. It was meant to provide speedy justice within the workplace, but, because of its bureaucratic labyrinth¹ and political considerations, few complaints are resolved quickly and rules and decisions constantly change. This unpredictable process damages the economy and stalls business decisions that would otherwise lead to job growth.

A bureaucratic agency made up of political appointees is not a better judicial system than the one designed by the U.S. Constitution. Congress should return the adjudicatory functions of the NLRB to the U.S. Courts and take away the Board's power to prosecute unfair labor practice charges. The parties involved in an unfair labor practice could still bring forth complaints for the NLRB to investigate, but the power to hear and adjudicate complaint cases would remain with the U.S. Court system, just like the adjudication of all other disputes between private parties. Removing the influence of a politically charged federal agency would remove the “thumb on the scale” in these proceedings, providing both employers and employees with a less complicated and fair method for resolving disputes and a consistent set of rules and regulations to follow.

Bill Specifics

- Removes the General Counsel's power to issue complaints related to unfair labor practices.
- Limits the Board's rulemaking authority to rules concerning the internal functions of the Board.
- Removes the Board's power to bring charges of unfair labor practices and to adjudicate those charges and instead provides the Board with the authority to investigate unfair labor practices.
- Moves relief of unfair labor practices to the courts where an aggrieved party may bring a civil action.
- Requires the NLRB to review and revise its regulations to comply with these changes.

¹ <https://www.nlr.gov/resources/nlr-process/unfair-labor-practice-process-chart>