

Opening Statement of Richard F. Griffin, Jr.

Nominee for Member, National Labor Relations Board

Before the Committee on Health, Education, Labor and Pensions of the United States Senate

May 16, 2013

Chairman Harkin, Ranking Member Alexander and Members of the Committee.

I am honored to appear before you today as a nominee for the National Labor Relations Board. When I started as an NLRB staff lawyer in 1981, I did not hope that such an opportunity—the pinnacle of any labor lawyer’s career—would be possible for me. I am humbled by the chance to serve on the Board and greatly appreciate the confidence President Obama expressed by nominating me.

I would like to introduce my wife Claire and my daughter Emma; my son Charlie is unable to be here today. It is impossible for me to express the full extent of my appreciation for my family’s love and support.

I also want to credit my parents—Richard F. Griffin, Sr. and Jane Flanigen Griffin. They set the example, both in their professional and personal lives, which I have tried to emulate throughout mine. Their work ethic—they are both 80 years old and still working more than full time, my father as a lawyer and my mother as a research scientist—is a standard I can only aspire to; their active engagement in numerous civic and professional activities in my hometown of Buffalo, New York has been an inspiration.

I was educated in the Catholic schools in Buffalo, at Yale University and at Northeastern University School of Law. While at Northeastern—through the school’s unique co-op program, where students alternate work quarters with academic quarters—I worked in the United Auto Workers General Counsel’s office in Detroit and for a small labor law firm in Chicago. These experiences confirmed my desire to practice labor law—the field offered an opportunity for bridging differences, solving problems and making people’s lives better that suited my interests and engaged my abilities.

After law school, I went to work at the NLRB on the staff of Board Member John Fanning. Appointed by President Eisenhower in 1957, Mr. Fanning was the longest serving Board Member in the history of the agency—he served 25 years. He truly believed in the national labor policies stated in Section 1 of the Act: to encourage the practice and procedure of collective bargaining and to protect the exercise by workers of full freedom of association, self-organization and designation of representatives of their own choosing for the purpose of negotiating the terms and conditions of their employment or for other mutual aid or protection.

Grave respect for these guiding statutory principles was ingrained in me by the fine lawyers who worked for Mr. Fanning. I took what I learned from them to work for the new Board Chairman appointed by President Reagan, Donald Dotson, when Mr. Fanning’s term was up and our staff was reassigned. You would be hard pressed to find any two Board Members who were farther apart on the ideological

spectrum than Mr. Fanning and Chairman Dotson. Yet, I worked successfully for both of them and, in fact, received the exact same annual evaluation from both.

In 1983 I went to work in the legal department of the International Union of Operating Engineers and stayed there for the next 28 years. I advised the officers and staff of the International Union on organizing and representation issues under the National Labor Relations Act, on the pension and health care requirements of ERISA, and on internal governance requirements under the Labor-Management Reporting and Disclosure Act, to name just a few of my responsibilities. I also served for 9 years as a union trustee on a very large jointly trusteed pension fund, where I worked with the management trustees—many of whom were executives of large employer associations—to assure the retirement security of the fund's more than 100,000 participants.

For my last 17 years at the Operating Engineers, I was the International Union's General Counsel. In that capacity, in addition to dealing with all the organization's union-side labor law questions, I represented an organization that, in terms of number of employees, annual receipts, and assets approximated a mid-sized business enterprise. I dealt with the legal issues that the in-house general counsel of any such enterprise would face—everything from property tax appeals on the headquarters building to how to comply with the Financial Accounting Standards Board pronouncements on the union's financial statements. In the employment law area, the union had responsibilities as an employer to comply with all of the laws governing employers, as well as to abide by the collective bargaining agreements with several unions that represented the organization's employees.

My combination of work experiences— as an NLRB staff attorney, as a union lawyer, and as the General Counsel of a mid-sized enterprise—give me a useful and, I believe, fairly unique perspective on the cases coming before the Board. Since my recess appointment in January 2012 I have tried to bring that perspective to bear working with wonderful colleagues, Chairman Pearce and Member Block, both of whom bring their own broad range of labor law experiences, as well as deep knowledge of the Act, to our deliberations. I have done so guided by the talented, diverse and extremely experienced career NLRB staff—there are no finer lawyers in government service than those working for the Board. And, I hope to do so in the future with two new learned and capable colleagues—Philip Miscimarra and Harry Johnson III. If confirmed, I pledge to continue to work impartially and to the best of my ability with my colleagues and the Board's career staff to strike the appropriate balance between employees' rights and legitimate management interests that is the Board's central task.

Thank you very much for your consideration of my nomination and I look forward to your questions.