

STATEMENT OF LAUREN MCFERRAN
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BEFORE THE
COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS OF THE UNITED STATES SENATE
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Chairman Harkin, Ranking Member Alexander, and Members of the Committee. I thank you for the opportunity to appear before you today as a nominee to serve as a Member of the National Labor Relations Board. For someone in my field, both appearing before this Committee and being considered for a position on the Board are the highest of honors, and I am deeply grateful and humbled to be here.

I would like to take a moment to introduce and thank my family. My husband, Sam, is here with me today, as well as my parents, Tom and Cathy McGarity. I am grateful today, as always, for their steadfast love and support. I have spared the Committee the presence of my children, Brendan and Ryan, who are four years old and five months old respectively. They are lovely children, but sitting quietly is not one of their many talents. So I am glad they are at daycare today, and I thank the wonderful women at their daycare, without whom I certainly would not be sitting here today.

Finally, I realize that this is probably the last time that my boss, Chairman Harkin, will hold the gavel for this Committee. So I hope the members of the Committee will permit me a moment to speak on behalf of all of his HELP Committee staff. Everyone who knows Chairman Harkin knows that he is a tremendous leader, but only those of us who have been lucky enough to be on his staff know what a tremendous boss he is. He wears his heart on his sleeve for the issues he cares about, and he wears his heart on his sleeve for the people who work for him.

I have been blessed to work with two legendary Senators in my time on the HELP Committee. I never got the chance to thank Chairman Kennedy for all he did for me, so I am glad to have that opportunity now with Chairman Harkin. It has been an honor and a privilege to work for you, and I thank you for giving me the opportunity to serve.

I will confess that it is a bit surreal to be sitting in this chair in this Committee room, after spending almost a decade sitting in the staff chairs behind you. But while the view is a bit different from this angle, the room still feels like home. I have learned so much sitting in this room. And I think that those lessons have prepared me well to serve on the National Labor Relations Board.

Perhaps the most important lesson I have learned is that even people who have very different viewpoints can agree more often than you'd think. And even when we disagree on some things, we can find common ground on others. Both of the Chairmen I have worked for, and the Ranking Members they have worked with, have shared this philosophy. I believe Senator Enzi referred to it as the 80-20 rule – let's focus on the 80 percent we can agree on, not the 20 percent

we don't. As Deputy Staff Director of the Committee, I am deeply proud to have played even a small role in helping this Committee shepherd 20 pieces of bipartisan legislation to the President's desk in this Congress. We don't always agree on everything, but we can still get a lot of important work done.

I think what we often forget about the Board is they operate largely on this same principle. The vast majority of the cases that come before the Board are decided unanimously, by consensus. While there certainly are difficult issues where interpretations of the law will differ, those cases are the exception, not the norm. The bulk of the cases before the Board are not precedent setting or groundbreaking, but they are critically important to the parties involved, and the Board's role is to provide an efficient and fair resolution of disputes so that everyone involved can continue working and doing businesses as usual. If confirmed, I would very much look forward to working with my colleagues on the Board on these cases, which are at the core of the important service that the Board provides for our country and our economy.

A second important lesson I have learned in my time on the Hill is about the importance of listening. Some of the most significant meetings I take as a staffer are with constituents or other stakeholders who disagree with what my boss is doing, or have concerns about a piece of legislation he supports. I always learn from these meetings, and – even when we don't come to a place where we see eye to eye – my work, and the legislation I am working on, usually improve as a result of these conversations.

If confirmed to the Board I look forward to the opportunity to spend a lot of time listening – listening to my experienced colleagues, to the many stakeholders who care about the Board's work, and especially to the amazing and dedicated career staff across the country. The Board attracts some of the best and brightest staff of any agency I have ever worked with – immensely talented people who dedicate their lives to working at the Board because they believe in the importance of its mission. I welcome the opportunity to work with them and learn from them, if confirmed.

Finally, I have learned in my time on this Committee the critical difference between what you all do sitting in your chairs up there, and what I would do if confirmed to the Board. Your job is to advocate for changes in the law that you think will make people's lives better. It has been exciting and fulfilling to participate in that process for so much of my career. But I fully understand that, if confirmed, my job would change dramatically. The job of the Board is to interpret and implement the law as fairly and efficiently as possible. My role model in this work will not be the many talented legislators I have worked with over the years, but instead the judge that I was privileged to work for during my time as a clerk on the Fifth Circuit Court of Appeals. Judge King – or Chief Judge King at the time, she wouldn't want me to leave that out – was a rule of law judge, first, last and always. She never wanted a particular outcome in any case before her. What she wanted us to do as clerks was to help her get the answer right. That is the attitude and the approach that I would take if confirmed to the Board.

So again, I thank you for the opportunity to be considered for this critically important position, and I welcome any questions that you might have.