

**STATEMENT OF MARK GASTON PEARCE
NOMINEE FOR MEMBER, NATIONAL LABOR RELATIONS BOARD**

**BEFORE
THE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS
OF THE UNITED STATES SENATE**

MAY 16, 2013

Thank you, Chairman Harkin, Senator Alexander, and members of the Committee.

It is a great honor to appear before you today as well as to be considered for another term as Member of the National Labor Relations Board.

I am joined here by my wife, Nancy McCulley. Our daughter Naima could not be here today.

I was born and raised in Brooklyn, New York as one of five siblings. My parents, Jamaican and Cuban immigrants, came to the United States with the idea that with honest hard work one can accomplish almost anything in this great country.

My mother was a factory worker and my father worked as a laborer and handyman. They saved, bought real estate, started small businesses and turned their hopes into reality. Although possessed of little formal schooling, my parents instilled in their children a sense of the importance of education. They lived to see me become a practicing attorney and my mother proudly saw me confirmed as a member of the National Labor Relations Board.

After graduating from Erasmus Hall High School in Brooklyn, I earned a bachelor's degree from Cornell University. Several of my college summers were spent working electrical construction as a college helper in New York City. During two of these summers I had the amazing experience of working on the World Trade Center, a monument of American labor and ingenuity that will never be forgotten.

I received my law degree from the State University of New York at Buffalo. And it was in Buffalo, that great working-class city, where I fell in love with my wife and with labor law (in that order).

As a law student, I had the good fortune to be assigned to the NLRB's Buffalo regional office through the school's work-study program. This exposure was transforming. I saw that through the enforcement of the Act, significant issues affecting workers, employers and unions were being addressed and industrial peace was being attained. I knew immediately that this was what I wanted to do and it became the focus of my studies and subsequent employment. I

worked for fifteen wonderful years at that Buffalo regional office as a field attorney and District trial specialist enforcing the nation's primary labor law throughout the United States.

I eventually left the NLRB to go into private practice. I co-founded a Buffalo law firm specializing in labor and employment law. I practiced extensively before the National Labor Relations Board and also represented clients before state and federal courts and agencies. I taught courses at Cornell University's labor extension program and served as a certified mediator for the United States District Court for the Western District of New York. Mediation training became a valuable tool in my efforts at the Board to seek common ground where there are divergent views.

By appointment of the Governor, I served the State of New York as a Board Member of the Industrial Board of Appeals. There, I worked with the other members of a bipartisan Board to resolve appeals of findings of the New York State Department of Labor.

In 2010, I had the honor and privilege to be nominated, appointed and confirmed as a member of the National Labor Relations Board, the very agency in which I started my legal career. The following year the honor and privilege took new heights when I was designated as chairman. As chairman I have gained an even deeper appreciation for the work of the agency and its importance to employees, employers and unions.

In the last fiscal year alone, over 20,000 unfair labor practice charges were filed with this agency by members of the public. As a result of effective Board enforcement of the Act, more than 1200 workers were offered reinstatement, and over 44 million dollars were recovered for employees in backpay or reimbursement of union fees, dues or fines. And during the same period, the Board processed close to 2500 election petitions and conducted more than 1600 representation elections. For a small agency, the Board has touched the lives of many Americans.

For almost two years I have represented the agency as one of its leaders and principal spokesperson.. I have embraced the responsibilities of chairman and am grateful for the opportunity to serve in this manner. If it pleases the Senate it would be my privilege to continue to serve on the Board.

Thank you for the opportunity to offer these opening remarks. I welcome your questions.