



**STATEMENT OF DAVID M. PROUTY  
NOMINEE FOR MEMBER, NATIONAL LABOR RELATIONS BOARD  
BEFORE  
THE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS  
OF THE UNITED STATES SENATE  
JUNE 10, 2026**

Chairman Cassidy, Ranking Member Sanders, and members of the Committee, thank you for the opportunity to appear before you. I am honored by President Trump's nomination, and by your consideration of me for a second term as a Member of the National Labor Relations Board.

I am joined here today by my brother Douglas Prouty, who is a retired high school teacher and former official of the Maryland and Montgomery County teachers' unions. My wife, Olive Crone, a midwife and a native of the Republic of Ireland, is home recovering from a broken ankle. She is watching remotely (I hope), as are my sisters Carolyn and Eleanor, and my children Conor and Molly. Also no doubt, watching are the members of my outstanding staff at the NLRB as well as many other colleagues from our great agency.

I won't keep you long with my opening statement, both because I introduced myself at length before my first confirmation hearing, and because I have now built of record of decisions and statements as a Board Member which is probably the most relevant information for you to consider as you pass on my qualifications for a second term. But I will nevertheless make a few brief points on my own behalf.

First, I am glad to report that since the Senate confirmed the nominations of my two new colleagues and they took office in January of this year, not only was a quorum of the NLRB restored so that the Board could return to issuing decisions, but we have also been remarkably

prolific in doing so. Since early January, we have reduced the backlog of 591 cases that were pending before the Board on January 7, 2026 down to 396 pending cases on June 8, 2026. In the meantime, 174 new cases came in and were assigned, so in total we have issued 369 decisions or orders on pending cases in the brief five months since the Board's quorum was restored. I am a firm believer that the Board operates best with its full complement of five members, so while it is obviously in my self-interest to say so, I do hope the Senate will act promptly on the nominations of my friend Mr. Macy and myself so that we can keep the momentum going.

Second, it has been an honor to serve as a Board Member for the past nearly five years. In that time, I have come to have a greater appreciation for the NLRB, its history, its mission, and most of all for the dedicated government employees who work for it and who are committed to enforcing the rights of workers protected by the National Labor Relations Act. Quite simply, it is a meaningful job and I would be pleased to be given the privilege of serving a second five-year term.

Third, as my resume makes clear, I spent the first 35 years of my legal career as a union-side lawyer. In that capacity, I proudly represented workers across a wide spectrum of occupations, from clothing, textile and laundry workers to hotel housekeepers to restaurant staff to Major League Baseball players to building doormen and janitors – and I successfully negotiated dozens if not hundreds of contracts with those workers' employers.

However, I have spent the past five years as a neutral, conscientiously seeking to apply the law to the facts of each case in an unbiased manner. Of course, every person on the Board brings their different life experiences to this task, and my understanding of the Act is undoubtedly shaped by the years I spent litigating both unfair labor practice and union election cases before the NLRB. But it is my firm belief that the public, and the parties who appear before the Board, are all best served by having a variety of viewpoints within the labor-management field represented on the Board. Further, the Board's decision-making process, and the quality of the product we issue, is greatly enhanced by the back-and-forth of members who bring different

perspectives. The current Board, for instance, consists of myself, a former union lawyer, along with Scott Mayer, a lifelong management lawyer, and Jim Murphy, a career NLRB lawyer. Each of us, and Mr. Macy, should we both be confirmed by the Senate, will approach our jobs from a different point of view – and I think that’s a good thing.

Finally, I am proud of my record as a Board Member. No doubt you will have questions about some of the more controversial cases we decided during the Biden Board era, and I welcome them. But whether you agree or disagree with my positions in those cases, I can assure you that each and every decision was carefully studied by each Board Member involved and was released only after thorough consideration of all sides of the issues presented. And as you’ll see if you dig into it, I haven’t always agreed with my Board colleagues – be they Republican or Democrat. I have always voted the courage of my convictions, whether my friends joined me or not, and the one promise I can make if I am fortunate enough to receive another term is that I will continue to, as they say in baseball, call ‘em as I see ‘em.

I also want to point out that NLRB Members – Republicans and Democrats – very often agree. Historically, well over eighty percent of the cases decided by the NLRB are decided unanimously - that is by a 3 -0 vote of the panel assigned to the case. In fact, of the over 230 cases decided since I was joined by my two new colleagues in January of 2026, only nine times has anyone – admittedly usually me – dissented.

As I said in my opening statement five years ago, I am a firm believer in the guiding principles behind the National Labor Relations Act, the 1935 law that, as its preamble so eloquently declares, is intended to “encourage the practice and procedure of collective bargaining.” I believe that everyone – employees, employers, unions, and the public at large, is best served when workers and their employers can sit across the table from one another as equals under the law and negotiate in an open, respectful and creative manner over the terms and conditions of their employment.

Thank you, and I would be happy to answer any questions you have for me.