

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
JULY 15, 2021

Chair Murray, Ranking Member Burr, and members of the Committee, thank you for the opportunity to appear before you. I am honored and grateful for President Biden's nomination, and for your consideration of me for a position as a Member of the National Labor Relations Board.

I am joined today by my wife, Olive Crone, a midwife and a native of the Republic of Ireland, and by my brother Douglas Prouty, who is a high school English teacher in Montgomery County, Maryland and the Vice President of the Maryland State Teachers Association. Watching on C-SPAN, I hope, are my 93 year old mother Muriel Prouty, my sisters Carolyn and Eleanor, and my children Conor and Molly.

By way of giving you some background about myself, I would like to pay tribute to two individuals who are no longer with us who had an outsized influence on me as a labor lawyer and as a person. The first, who was very kindly mentioned by Senator van Hollen, is my late father, Keith Prouty. He was a World War II veteran and went to work afterwards as an aircraft engine mechanic at the

Avco Lycoming plant in Fairfield, Connecticut, where he became a shop steward and a member of United Auto Workers Local 1010. In fact, one of my earliest memories is of standing with him on the union's float in Labor Day parades in Bridgeport, Connecticut. My father eventually left the shop and became a staffer and Research Director for several unions. He then served for 20 years in the Office of the Secretary of the U.S. Department of Transportation, where he acted as a liaison between nine Secretaries of Transportation – both Republicans and Democrats – and the country's railway and airline unions.

My father taught his children many lessons. One that has been a particular touchstone of my career is the idea of always dealing with everyone we encounter in good faith. I only wish he were here with us today.

The second person to recognize is my late friend Jonathan Kane, who was a management lawyer in Philadelphia, Pennsylvania. Jon and I became good friends while serving as co-chairs of the ABA Committee on Practice and Procedure Under the National Labor Relations Act. We spent hours together doing the work of the Committee, including arranging presentations from Members of the NLRB, and we spent even more hours debating the finer points of labor law. Despite our differences, we wholeheartedly agreed on the importance of the institution of collective bargaining, and of its benefits for both sides – labor and management –

when conducted in an open, respectful and creative manner. From Jonathan I learned another touchstone that has guided my career: that “a good idea is a good idea,” no matter who first introduces it. Jon passed away in 2016. I still miss him and wish he were here today as well.

These two touchstones – dealing with everyone in good faith and recognizing that no party has a corner on good ideas - are ones that I hope to bring to my service on the NLRB if I am fortunate enough to be confirmed. These two principles transcend partisan wrangling, and underscore my understanding that my service on the Board will be as a neutral and that my obligation will be to listen openly and fairly to all parties while deciding the cases that come before the Board.

In my career as a labor lawyer since 1986 I have represented, among other occupations, clothing and textile workers, housekeepers, waiters, Major League Baseball players and, currently, doormen and office cleaners. I would bring those experiences to my work as a Member of the Board. I would also and equally importantly bring to this position the knowledge gained in negotiating contracts with employers in all of those industries. From countless hours at the bargaining table, I have learned, I believe, a great deal about the art of compromise, and about the value of settlements that leave both parties better off for having

resolved their differences in a peaceful manner. I have also learned to work with, and benefited from the outlooks of, many excellent management lawyers – just as I expect I will do with my Republican colleagues on the Board.

Another viewpoint I would bring to my service on the NLRB is the nearly twenty years I have spent as a General Counsel for four different unions. In that capacity, I have had to safeguard the legal status of large institutions, supervise their business and financial affairs and governmental compliance and, yes, act as a management lawyer with respect to the Union's employees and, indeed, the unions that represent them. I have thus gained, I believe, a degree of empathy for the role that my management counterparts have played vis a vis their clients.

Finally, I have for many years practiced and litigated before the NLRB in regions all around the country. I have come to have great respect for the National Labor Relations Act and great appreciation and affection for the dedicated employees of this agency. They too are sworn to uphold the tenets of the law that, as its preamble so eloquently says, is intended to "encourage the practice and procedure of collective bargaining." I look forward if I am confirmed to supporting their efforts and to drawing on their experience.

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