

STATEMENT OF NANCY SCHIFFER

NOMINEE FOR MEMBER, NATIONAL LABOR RELATIONS BOARD

BEFORE THE

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

OF THE UNITED STATES SENATE

July 23, 2013

Thank you Chairman Harkin, Senator Alexander, and members of the Committee. I am honored beyond words to be here before you today as a nominee to be a Member of the National Labor Relations Board.

First, I would like to introduce my husband Goldwin Smith, who is here today and has always been my strongest supporter – we will celebrate 32 years of marriage next month. Our daughter Amelia Howerton and her husband Grant could not be here today as they both just started new jobs in California. Our son Michael, I know, is here with us in spirit.

I grew up in a small town in southwestern Michigan – 3,500 people. My mother was a home economics teacher and my father was a pilot – he taught people how to fly. They were both raised on dairy farms in central Michigan. My grandparents' farm was designated a centennial farm – owned and farmed for 100 years by the same family – in 1982. My grandparents are in the Michigan Farmers' Hall of Fame. I spent my summers on that farm. I helped with haying and I showed cows at the county fair in 4-H – and once at the Michigan State Fair.

It was my dream to go to law school and my parents supported that dream at a time when their friends thought it was a waste of money to send their daughters to college at all. When I went to law school, to the University of Michigan, I did not know that I would become a labor lawyer. But while I was there, I represented two women – non-union university workers – in a management review process. The first described how she made less than a male colleague who did the same work. I only talked with her on the phone, but I wrote a letter on her behalf and she got a very sizeable salary increase – I was amazed. Next, I represented a woman who had worked in her department for 20 years, but was passed over for a supervisory position in favor of a recent graduate who happened to be white and male – she was neither. After a hearing before a faculty committee, she got a promotion and I had fallen in love with labor law.

After law school, I worked at the Detroit Regional Office of the National Labor Relations Board, Region 7 - the busiest regional office at that time. I conducted representation elections for workers and served as a Hearing Officer in cases involving election issues. I also investigated and prosecuted unfair labor practice cases against both employers and unions, filed briefs to the Board, and brought picket line injunction actions against unions in federal court. While there, I received a Certificate of Commendation from then General Counsel John Irving. Never, for one

second, during my work at the Regional office in Detroit did I ever think that one day I would have the honor of being considered to serve as a Board Member.

I loved working for the NLRB, in large part because I had the opportunity to work under the tutelage of Regional Director Bernard Gottfried. He was revered in the Region and there is still a memorial symposium every year in his honor. He had a deep knowledge and understanding of the law and was open to and respectful of all viewpoints and positions presented to him. He made sure he knew every fact and every aspect of a case before he made a decision on whether to issue a complaint. Most importantly, he cared deeply about the impact his decisions would have on the workplace, on the employer involved, and on the workers. He knew that real people would be affected by what he did and he worked very hard to make sure his decisions were fair and honest. He was a role model and I will strive to follow his example should I become a Member of the Board.

I also worked for a private law firm in Detroit that represented labor unions and workers and then became a staff lawyer for the International Union, UAW, in 1982. I served as Deputy General Counsel at the UAW for two years, handling the day-to-day administration of the UAW Legal Department, before coming to Washington, D.C., in 2000, to join the General Counsel's Office of the AFL-CIO, where I advocated for their positions, including before Congress.

My work on NLRA issues over the years has given me a deep appreciation for the work that the Board does and how important it is for all involved – workers, employers and labor unions – and how much it matters that disputes get resolved fairly and in a timely manner. As a result of my work as a Board attorney and as a litigant, I have been repeatedly impressed with the dedication of the Agency's staff, with their sense of pride of purpose and their hard work to make sure the Agency fulfills its mission.

I can assure you that I understand the importance of this office and how critical it is that Board Members be neutral arbiters of the law. If I am honored to serve as a Member of the National Labor Relations Board, I pledge to live up to the example of my formative mentor, Bernard Gottfried: I will approach every decision with an open mind and give every position serious consideration; and in every decision I will be guided by the mission of the Agency and the impact of a decision on all affected. I look forward to working with my fellow Board Members to develop a collegial and productive deliberative process, to learn from their experiences and their points of view, and to fairly and faithfully enforce the law.

Thank you for the opportunity to appear before you today and I look forward to your questions.