PRESIDENTIAL IMPACT ON LABOR

Regardless of your personal political beliefs, the facts below illustrate how the Trump Administration's actions weakened union members' rights while the Biden Administration has taken steps to empower unions.

TRUMP ADMINISTRATION

Anti-union actions under the Trump Administration

The President's agency took the position that immigration judges were not allowed to unionize, although they had been unionized for 50 years.

With the stroke of a pen, the President took away workers' rights to retain their jobs when a new service contractor was brought in.

The Trump National Labor Relations Board:

- **Boeing:** Stripped flight line workers who voted for IAM representation of the right to a union. *368 NLRB No. 67 (Sept. 9, 2019)*
- **UPMC:** Prevent Union Organizers from access to cafeterias / public areas. *368 NLRB No. 2 (June 14, 2019)*
- **Johnson Controls, Inc.:** Makes it easier for employers to assert "anticipatory withdrawal" – by making it harder for unions to prove they have majority support. *368 NLRB No. 20 (July 3, 2019)*
- **MV Transportation, Inc.:** Makes it easier for employers to make Unilateral changes "contract coverage" test. *368 NLRB No. 66 (Sept. 10, 2019)*
- **Election rulemaking:** Giving employers more time to urge employees not to join a union without following standard procedure.
- **Valley Hospital:** Voiding dues check-off after contract expiration making it harder for unions to collect dues. *368 NLRB No. 139 (Dec. 16, 2019)*
- **Apogee Retail LLC d/b/a Unique Thrift Store:** Allowing employers to claim confidentiality related to employer investigations. *368 NLRB No. 144 (Dec. 16, 2019)*
- **Palace Station Hotel & Casino:** Lessens employer duty to provide information. *368 NLRB No. 148 (Dec. 16, 2019)*
- **Walmart Stores, Inc.:** Limit the ability of workers to wear union insignia at work. *368 NLRB No. 146 (Dec. 16, 2019)*
- **Rio All-Suites Hotel and Casino:** Bans union use of company email for communications. *368 NLRB No. 143 (Dec. 17, 2019)*

These are just a few examples of anti-union actions taken under the Trump administration.

BIDEN ADMINISTRATION

President Biden Pro-Union from Day One

- Fired former NLRB GC Robb, who pushed the anti-union agenda - April 2022 upheld by conservative 5th Circuit Court of Appeals.
- Biden Tweeted: "I believe every worker deserves free and fair choice to join a union." Mar. 9, 2021.
- Appointed DOL Director of OLMS, who has represented unions for decades and instituted a "union avoidance" hot line investigating "labor consultants" who are not filing required forms.

Created a Task Force on Worker Organizing and Empowerment:

- Instructed the GSA to make clear that "worker organizing and collective bargaining among employees of contractors working in federal government facilities are not covered or restricted by the general prohibition on soliciting, posting and distributing materials."
- Direct the DOE to strengthen U.S. manufacturing requirements to ensure technologies funded by DOE are substantially manufactured in the U.S.

The Biden National Labor Relations Board :

- **Nissan and American Steel:** NLRB looking to go back to Specialty Healthcare or better to allow unions to organize "an appropriate unit." Not just wall to wall as Trump Board required.
- **Thryv Inc.:** NLRB invited briefs on expanding the traditional make-whole remedies for ULPs to include consequential damages.
- **Stericycle:** NLRB invited briefs on whether to overrule the Boeing standard to give employees more rights to engage in concerted activity within employee handbooks and work rules.
- **Atlanta Opera:** NLRB invited briefs on the definition of independent contractors to bring greater protections to workers.
- **Ampersand:** the NLRB GC is arguing for the right to impose attorneys' fees against an employer who bargains in bad faith.
- **Daily Grill:** NLRB GC office argues for damages for refusing to bargain including a verbal pledge to employees to respect workers rights and paying for some bargaining costs.
- **Cemex:** NLRB GC asking the Board to declare captive audience meetings unlawful.