



Shorthanded: Labor Board Faces Challenges In Handling Influx Of Cases

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The [boom in union organizing](#) this year – fueled in part by the national [Starbucks unionization](#) push – has resulted in numerous union election petitions being filed at the National Labor Relations Board (NLRB) in recent months. Union representation proceedings can be very time-intensive and require a lot of attention from NLRB staff.

Not surprisingly, according to a recent article from [Bloomberg Law](#), the agency is facing challenges when it comes to processing the influx of cases. The article notes: “Flat funding and a restless labor force have created a near perfect storm for the National Labor Relations Board, charged with overseeing every private-sector union election. Election petitions have already swelled by 57% in the first half of the 2021 fiscal year as unfair labor practice charges rose by 14%. At the same time, ballooning inflation and long-term staff declines have made the agency less equipped to fulfill its statutory mission of overseeing union elections, current and former officials say.”

The article went on to say, “NLRB General Counsel Jennifer Abruzzo, has been sounding the alarm in recent weeks, seeking to pressure Congress into bumping the agency’s funding for the first time since 2014. She has said that field staff in NLRB regional offices – which handle the vast majority of the work – have been cut in half since 2002. At the same time, election petitions

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are at a 10-year high.”

In short, a static budget and staffing challenges are potentially impairing the NLRB’s ability to keep up with the number of cases hitting its docket. It appears the agency isn’t immune from the staffing problems facing countless other employers right now.

All this comes at a time when the NLRB’s general counsel is looking to make [significant labor law changes](#), but the Biden-appointed board majority [has yet to issue](#) any significant decisions. Based on the Bloomberg report, the challenges at the NLRB may delay the pace at which we see major changes in precedent. We’ll see.