



National Labor Relations Act: Contemporary Decisions (Employment Law Series)

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This casebook contains 101 federal court of appeals decisions that interpret and apply the provisions of the National Labor Relations Act. The selection of decisions spans from 2006 through 2011 and is organized by jurisdiction. The decisions are listed in the order of frequency of citation. The most cited decisions appear higher in each section.

With its enactment of the NLRA, Congress created the Board and empowered it to prevent any person from engaging in any unfair labor practice affecting commerce. 29 U.S.C. § 160(a). And to that end, Congress authorized the Board to file complaints charging violators with unfair labor practices and to conduct hearings on those charges. Id. § 160(b). Traditionally, such hearings are conducted before Administrative Law Judges as delegates of the Board, who are subject to Board review. See 29 C.F.R. §§ 102.31(b), 102.26. The Act provides that the hearings "shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts." 29 U.S.C. § 160(b). Following a hearing, the Board is empowered to issue cease and desist orders, orders reinstating employees, and orders requiring reports. Such orders are subject to judicial review and enforcement. Id. § 160(e), (f). *NLRB v. Interbake Foods, LLC*, 637 F. 3d 492 (4th Cir. 2011)

To implement this charter, the Board is given investigatory power with the authority to conduct hearings, subpoena testimony and evidence, administer oaths, examine witnesses, and receive evidence, 29 U.S.C. § 161(1), all of which are generally carried out in the first instance by ALJs. *Ibid.*

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