



Cash-Strapped NLRB Could Be More Flexible On Settlements

News

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The article, “Cash-Strapped NLRB Could Be More Flexible On Settlements,” featured in *Law360*, discussed how a top National Labor Relations Board official recently sent a memo to regional directors and field offices, acknowledging that the agency is facing a budget shortfall the rest of the fiscal year and suggesting various cost-cutting measures that could make the agency more flexible in settlement negotiations with employers.

Steve Bernstein provided his take on the situation.

“The NLRB has let it be known that it may be more open to conciliation as it goes through the austerity process,” said Steve.

Steve likewise said the NLRB will remain inflexible on certain boilerplate language included in notice postings, but he believes the agency could be more amenable to rewording some other language in those notices.

Besides just notices, he said the bigger question will be if the agency becomes more willing to approve reduced back pay offers as part of agreements with employers.

Steve, meanwhile, said that over the course of his 25-year career, he’s “seen memos like this come and go” and that the agency at times has had to furlough staff and implement cuts that were “more draconian than this.”

“I’d be surprised if [the agency’s] economic constraints have any impact on its standards to pursue a labor practice charge,” he said. “Any impacts [the economic constraints] may have will largely be confined to the settlement arena.”

To read the full article, please visit [Law360](#).

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