

ABSTRACT

Brian J. Woldow

*The NLRB's Slowly Developing Beck Policy:
Defending a Right in a Politicized Agency*

Abstract by Brian J. Woldow

This article examines the National Labor Relations Board's enforcement of what has come to be known as "Beck Rights". In 1988, the Supreme Court decided *Communication Workers of America v. Beck*. That case held that unions could only require non-union members to pay dues and fees that are germane to collective bargaining, contract adjudication and grievance adjustment under a union-security clause. The *Beck* case, in theory, should have the effect of limiting the amount of dues that a union can collect. As is apparent every election year, unions contribute vast amounts of money to campaigns, mostly to democrats. In theory, limiting the amount of dues that can be collected under a union security contract should have the effect of limiting the amount of campaign contributions.

The NLRB is a highly politicized agency where democratic appointees generally favor unions and republican appointees favor management. This article argues that political consideration have caused delays in adjudicating employee's *Beck* claims. Currently, many *Beck* cases take over six-years for the NLRB to heard and appealed. This article concludes that the NLRB should make a second attempt at promulgating substantive rules for *Beck* rights. A substantive rule would allow the Board to have definitive answers in many *Beck* claims and allow the NLRB to issue *Beck* decisions in a timely and definitive manner.