

Recent Developments and a Look Ahead Under the National Labor Relations Act

Continuing Legal Education

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29th Annual Labor and Employment Law Conference | May 5-6, 2022 | Austin, Texas

Current Board Members



President Biden named McFerran Chairperson of the Board on January 20, 2021.

On July 28, 2021, the Senate voted to approve Biden's two nominations--Gwynne Wilcox and David Prouty.

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NLRB General Counsel Shakeup



Within hours of taking office, Biden removed General Counsel Peter Robb.

Peter Sung Ohr served briefly as Acting General Counsel.

NLRB publicly welcomed Jennifer Abruzzo as General Counsel on July 22, 2021.



General Counsel Abruzzo Issues Series of Memorandums

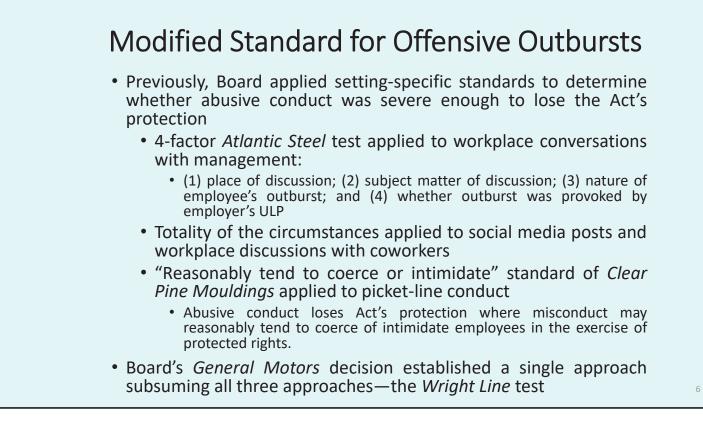
- GC 21-04: Outlined her priorities, many of which would reverse Trump-era rulings
 - Employee classification/status
 - Employer's duty to recognize and/or bargain
 - Strike and picket rights
 - Section 7 rights
- GC 21-06: Instructed Regions to request from Board the full extent of available remedies for victims of unlawful conduct
 - Potential for consequential damages
- GC 21-07: Instructed Regions to carefully craft settlement agreements to ensure effective relief

General Counsel Abruzzo Issues Series of Memorandums Cont'd

- GC 21-08: Stated her position that student athletes are employees under the Act
- OM 22-03: Stated her position that employers required to enforce COVID-19 policies have decisional bargaining obligations
- GC 22-04: Stated her position that captive audience meetings are not lawful under the NLRA. She plans to urge the Board to reconsider the legality of captive audience meetings.

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First appeared as part of the conference materials for the 29th Annual Labor and Employment Law Conference session "NLRB Update"