

NLRB Exploring Possible Expansion To Its 'Make-Whole Remedies' In Discharge Cases

February 23, 2016 | [National Labor Relations Board, Labor And Employment](#)



**David J.
Pryzbylski**
Partner

On Feb. 19, the NLRB announced that it was seeking briefs in an action where the scope of a "make-whole" remedy potentially is in dispute. Specifically, the NLRB will be evaluating whether to alter its existing rules related to offsetting an unlawfully discharged employee's interim work search expenses against the amount of interim earnings deducted from backpay calculations. Currently, the NLRB only allows discharged employees who are actually successful in obtaining subsequent employment to receive any type of reimbursement credit for these expenses. Now, the NLRB's general counsel is arguing that even employees who are not able to obtain subsequent employment should be able to recover these expenses. The NLRB has invited interested parties to file briefs on or before March 18 .

A copy of the press release and more details on the invitation for briefs can be [found here](#).

RELATED PRACTICE AREAS

Labor and Employment
Labor Relations
National Labor Relations Board (NLRB)

RELATED TOPICS

Make-Whole Remedy
Reimbursement Credit