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Prepare For Takeoff: NLRB's New Pro-Union Majority Will Soon Take Over

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Just over six months after his inauguration, President Biden has finally put together all of the pieces of his NLRB puzzle. President Biden has repeatedly expressed an ambitious goal of being the most [pro-labor President in history](#). Employers should mark Aug. 28, 2021, on their calendars, as that is the first day on which the NLRB will have a newly minted Democratic majority led by current Chairman Lauren McFerran.

On July 28, the Senate confirmed nominees [Gwynne Wilcox](#) and David Prouty as members of the NLRB. Wilcox will assume her role immediately, filling a seat that has been vacant since 2018. Wilcox is the first Black woman to serve on the NLRB in the agency's 86-year history. Prouty is set to replace board member Bill Emmanuel when his term expires on Aug. 27.

Meanwhile, the NLRB General Counsel's Office has just recently turned over. Jennifer Abruzzo was narrowly confirmed by the Senate on July 21 as the new general counsel. Abruzzo served as deputy general counsel during the Obama administration. Shortly after being appointed, Abruzzo tapped Peter Ohr to serve as deputy general counsel. Ohr had previously served as acting general counsel while Abruzzo's nomination was pending, and before that he served as regional director of Region 13 in Chicago.

Starting on Aug. 28, union and non-union employers should be prepared for the new NLRB to begin aggressively pursuing a pro-union agenda. That agenda will likely target a number of significant issues, including:

- scrutiny of employee handbooks and policies
- employee use of employer email systems
- expansion of protected concerted activity
- management rights clauses and employer flexibility to manage under labor agreements
- organization of micro-units
- union election rules
- captive audience meetings
- joint employer status
- independent contractors

Employers can start taking proactive measures now to assess the potential impact of the NLRB's shift on their businesses and ensure they are prepared for the changes that are soon to come. Those changes will likely come fast and furious, with the NLRB's new pro-union members and general counsel anxious to quickly make their mark and fulfill President Biden's pledge.