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While Increasing Public Outreach, NLRB Staffs Up For Greater Enforcement Efforts

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With the [PRO Act still pending](#) before the Senate and the President acting quickly to support his labor constituents, employers already have a lot on their plates. However, recent changes at the NLRB indicate that even more change is on the way. In fact, to an outsider it may appear the agency is ramping up for the increased business it expects to see due to new promotional efforts.

On March 31, the NLRB announced the launch a [new Spanish language version of its website](#) and two Spanish language Twitter accounts for news and decisions. These steps are part of a commitment from NLRB Chair Lauren McFerran and Acting General Counsel Peter Ohr to increase the NLRB's presence and public outreach, and particularly to educate Spanish-speaking workers of their rights under federal labor law. Tellingly, McFerran acknowledged a priority on making it easier for workers to "figure out how to make use of the agency's resources."

This comes on the heels of a [report released on March 29](#) by the U.S. Government Accountability Office, which found that NLRB staff had decreased by 26 percent between fiscal years 2010 and 2019, with the reductions most heavily impacting regional offices. During that same time period, the NLRB's appropriations decreased by 17 percent. Given those data points, it's not surprising that NLRB staff reported in an employee survey that they are increasingly dissatisfied with their workload and available resources.

McFerran and Ohr both responded quickly to the GAO report by committing publicly to “rebuilding the agency’s capacity” and “righting the ship.” For employers, an increase in staffing at the NLRB will inevitably result in an increase in enforcement activity, both in the terms of the number of new case filings and the scope of the NLRB’s investigation of pending cases.

Bottom line: The NLRB is open for business and actively seeking a new influx of customers to go along with their efforts to increase staffing. With this in mind, employers will be well served to reach out the Barnes & Thornburg attorney with whom they work to proactively prepare for increased scrutiny.