

## “And The Fourth Seat Goes To....” Senate Confirms Nomination Of Kaplan To NLRB, Delays Vote On Nomination Of Emanuel

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Early on Aug. 2, the Senate approved President Trump’s nomination of Marvin Kaplan to fill a vacant seat on the National Labor Relations Board (NLRB). The Senate approved Kaplan on a close 50-48 vote, which, unsurprisingly, was split along party lines. Kaplan’s confirmation puts the Board closer to attaining what would be the first Republican-led majority in nearly a decade. Kaplan’s confirmation is welcome news to his supporters, who are eager to see several reforms of Obama-era regulations that, in their view, favor the interests of organized labor over employers. [As noted previously in this blog](#), should both Kaplan and Trump’s other pick, William Emanuel, be confirmed, they would join the Board’s current chairman, Republican Phillip Miscimarra, and give the board the first Republican majority since early in the Obama administration. A Republican-majority Board would likely give a critical look to previous NLRB determinations regarding, among other important rulings, the definition of joint employer status and union election rules. It is not all sunshine and roses yet, though. The nomination of Emanuel, Trump’s pick for the final open seat on the Board, remains pending. The Senate will now vote on Emanuel’s nomination after its August recess, meaning that such a vote is unlikely until September of this year. In the meantime, the NLRB will have an even split of Republican and Democrat members on the board.

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