

Potential Organizational Changes At The NLRB Could Drastically Affect Labor Board Case Handling

January 19, 2018 | [National Labor Relations Board, Labor And Employment](#)



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The way the National Labor Relations Board (NLRB) handles charges, representation cases, and other everyday issues may soon see significant change. According to a [recent report by Bloomberg BNA](#), NLRB General Counsel Peter Robb recently held a conference call with board regional directors where he discussed potential changes to the way the NLRB is structured and handles cases. Specifically, the report states: “[Robb] told the directors he is considering reorganizing the agency’s 26 regional offices into a smaller number of districts or regions supervised by officials who would report directly to the general counsel, several sources said. Sources told Bloomberg Law they’re concerned that the general counsel wants to limit regional directors’ authority and possibly reduce the rank of at least some regional office officials. Regional directors currently have the authority to issue complaints and dismissals of unfair labor practice cases, and they render decisions in union representation cases.” To the extent the reported potential changes are being considered, this would have a drastic effect on the way the NLRB handles its cases. Currently, regional directors effectively act as gatekeepers on most matters before the board and enjoy much autonomy to investigate and ultimately render initial rulings in cases. To the extent these powers are more centralized within the general counsel’s office, it could impact the speed at which rulings are made and even the potential outcomes. Indeed, NLRB general counsels are appointed by the president, they usually change when a new president is elected, and their labor relations philosophy often is tied to the administration that appointed them. In contrast, regional directors generally remain relatively constant and stay in their posts through changes in administration. According to the report, these changes are not set in stone, as they may require NLRB member approval before taking effect. In fact, such actions may even require the agency to invoke public rulemaking procedures before undertaking this type of restructuring effort. Even in the absence of a full scale reorganization, Robb’s office already has had enormous impact on the way [unfair labor practice charge](#) and [representation cases](#) will be handled going forward via a series of memos. For example, in unfair labor practice cases, Robb has removed the requirement that “default” language be included in all settlement agreements. A little more than two months into his tenure, Robb already is leaving his mark on U.S. labor law.

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