

President Swaps Out Choice For NLRB Seat

November 18, 2014 | [National Labor Relations Board, Labor And Employment](#)



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President Barack Obama has withdrawn his nomination of Sharon Block to replace Nancy Shiffer on the National Labor Relations Board (NLRB). In her place, he has nominated Lauren McFerran, chief labor counsel for the Senate Health, Education, Labor and Pensions [HELP] Committee. In an effort to maintain the 3-2 pro-union mix on the Board, the President has appointed an attorney who has practiced as a union-side lawyer as well as counsel to the HELP Committee. McFerran has a strong academic record and the right pro-union pedigree to take over Member Shiffer's spot on the Board. McFerran is currently the Chief Labor Counsel for the Senate HELP Committee, a position she has held since 2010. She started with the Committee in 2005 as Senior Labor Counsel for Sens. Kennedy and Harkin. Prior to that Ms. McFerran was an Associate at Bredhoff & Kaiser, P.L.L.C. Ms. McFerran received a B.A. from Rice University and a J.D. from Yale Law School. After law school, she clerked for Chief Judge Carolyn Dineen King on the United States Court of Appeals for the Fifth Circuit. Block was apparently dropped because of Republican opposition to her based in part on the fact that she had served a term on the NLRB under what the Supreme Court has now determined was an unconstitutional recess appointment. The HELP Committee has scheduled a full Committee Hearing for this Thursday on McFerran's nomination. Because Shiffer's term expires on December 16, 2014, most observers are predicting a flood of NLRB activity in the next month with pending issues including the use of employer email systems, the "quickie" election rules, and the unionization of college student/athletes.

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