



# NLRB Restored to Employer-Friendly Three Republican/ Two Democrat Composition

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Relief for employers under the Trump Administration continues, following the U.S. Senate's narrow confirmation of John Ring, former Morgan Lewis & Bockius LLP attorney, to the National Labor Relations Board on April 11, 2018. The 50-48 Senate vote returned the five-member board to an employer-friendly composition of three Republicans and two Democrats and alleviates the log jam of the 2-2 split created when Board Member Phillip Miscimarra stepped down. On April 13, Ring became Chair of the Board, replacing Marvin Kaplan as Chair. Kaplan remains a member of the Board. The Obama-era Board decisions were widely criticized as highly labor friendly, unworkable for employers, and an overhaul of longstanding sound Board precedent. Business groups have praised Ring's confirmation and the Senate's expeditious vote.

The new Board already has overturned five significant decisions from the Obama Board. The controversial decision in Hy-Brand Industrial Contractors Ltd rescinded a 2015 ruling easing the path for workers to hold affiliated companies liable as joint employers for the others' violations of labor rules.

However, the Republican majority has an extensive list of decisions yet to overturn. These include the past Board's Purple Communications ruling, allowing workers to use company email systems for union business, and decisions limiting the rules employers can impose on their employees. These and other decisions are included on the list of items proposed for review by the NLRB's Republican General Counsel.

As expected, Democratic lawmakers attacked Ring in advance of the vote based on his career of representing the interests of companies against workers and unions. This follows controversy regarding Republican board member Bill Emanuel's need for recusal in the Hy-Brand ruling and Republican General Counsel Peter Robb's plans to cut costs by restructuring the agency's Regional Director system, which would subject the Regional Directors to new oversight.

## KEY TAKEAWAY

- The NLRB has been restored to a 3-2, employer-friendly, Republican majority.

This blog post was drafted by [Denise Delcore](#). Denise is a Partner in the Kansas City, MO office of Spencer Fane LLP. For further information, please visit [www.spencerfane.com](http://www.spencerfane.com).

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