

NLRB General Counsel Issues Memorandum on Increased Inter-Agency Coordination, Collaboration

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The National Labor Relations Board is pushing forward with its plan to cooperate more closely with other Federal agencies tasked with overseeing employment law. This follows an announcement in [November 2021](#) that the National Labor Relations Board and Equal Employment Opportunity Commission would work together on activities to raise awareness about retaliation issues in the workplace. The agencies announced that they would increase collaboration between the agencies on information sharing and public engagement with the employer community, business and labor organizations, and civil rights groups.

On February 10, 2022 General Counsel Jennifer Abruzzo formalized this initiative with [Memorandum GC 22-03](#), which announced that the National Labor Relations Board would strengthen information sharing, investigation, enforcement, training, and outreach efforts with not only the Equal Opportunity Employment Commission, but also its sister agencies the Occupational Safety and Health Administration, the Mine Safety and Health Administration, the Office of Federal Contract Compliance Programs, the Office of Labor-Management Standards, and the Department of Labor's Wage and Hour Division. Specific initiatives announced in the General Counsel's memo included Headquarters' level virtual webinar series focused on combatting retaliation, with regional offices being encouraged to develop similar interagency partnerships and joint engagement with local branches of other agencies.

Similarly, the General Counsel also announced partnerships with the Internal Revenue Service, the Department of Justice's Antitrust Division, and the Federal Trade Commission to address unfair methods of competition undermining workers' rights. This effort is focused on reducing misclassification of employees and ensuring employers properly pay their employees and their employment taxes; creating mechanisms for sharing data about acquisitions, mergers or similar employer organizational actions that might impact organizing or bargaining efforts; introducing stronger whistleblower and anti-retaliation protections; and giving greater attention to non-disclosure, non-solicitation, and non-compete agreements that would allegedly violate employees' rights under Section 7 of the National Labor Relations Act (NLRA).

The NLRB also announced it would work together with the Department of Homeland Security and the Employee Immigrant Rights Section at the Department of Justice to strengthen the ability of undocumented workers to assert their labor and employment rights under the NLRA.

As the federal government pushes forward with the Biden Administration's initiatives to strengthen employee-friendly regulation, it is critical that employers remain up to date regarding how this increased level of coordination and information sharing between different enforcement might affect them. These initiative will likely increase enforcement actions across these respective agencies.

Patrick Wilson also contributed to this article.

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