

The Practical NLRB Advisor: Summer 2022

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Ogletree Deakins' Traditional Labor Relations Practice Group is pleased to announce the publication of the [Summer 2022 issue of the *Practical NLRB Advisor*](#). In this issue, the *Advisor* takes a small departure from our usual practice of providing readers a snapshot of, and insights into, the current state of U.S. labor law. Instead, this issue aims to engage the National Labor Relations Board (NLRB) on some of the latest issues on the labor landscape.

As has been documented thoroughly in the most recent *Advisor* issues, NLRB General Counsel (GC) Jennifer Abruzzo has outlined and repeatedly documented her intention to pursue what many view as the most radical, pro-union agenda in the history of the NLRB. Under the new GC's guidance, the agency has been set on a course of casting precedent, statutory language, and congressional intent to the wind in an apparent effort to increase the density of organized labor while cultivating a seemingly anti-employer bias in the process.

This issue covers in detail the GC's proposed agenda—which seems to have no limit—including attempts to prohibit protected employer speech, calculated efforts to deprive employees from an informed choice and a secret ballot in matters of union representation, the GC's intent to seek the reversal of years of precedent, and efforts to inject the NLRB into employment matters arguably never envisioned by Congress. Specifically, this issue delves deep into the GC's effort to silence employers by prohibiting so-called “captive audience” meetings and even worktime interchanges between supervisors and employees.

This issue also reviews the consequences of this aggressive agenda. While no doubt the GC believes in the rectitude of her pursuits, the agency is not immune from the law of unintended consequences. In particular, this issue discusses the resulting strain on agency resources and, perhaps more importantly, the agency's credibility both with reviewing courts and its stakeholders.

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