GC Robb’s Proposed Structural Changes to NLRB Draw Fire

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NLRB General Counsel Peter Robb’s reported comments on a January 11, 2018, conference call about his proposed changes to how the NLRB operates has stoked resistance from NLRB career staff and others. Robb reportedly plans to centralize the decision-making process about which unfair labor practice cases his office will pursue and reduce the authority of the NLRB’s 26 regional directors, partly to address budget cuts.

Following the January 11 call, a committee of NLRB regional directors expressed “grave concerns” about possible field office restructuring, establishment of large field districts, elimination of regions, and downgrading of regional director status. In a letter, the regional directors wrote that Robb’s proposed changes to the regional structure would “exponentially negatively impact” the NLRB’s ability to enforce the NLRA without achieving more budget relief than other cost-cutting plans.

Robb’s planned changes are hardly etched in stone. In reported comments to a committee of the American Bar Association on January 19, 2018, Robb acknowledged that many of the proposed changes require public comments and approval by the NLRB. NLRB Chairman Marvin Kaplan also reportedly told the ABA committee that many of Robb’s proposed changes would require formal, notice-and-comment rulemaking before being implemented. NLRB memoranda on regional structuring and federal employee rules and regulations are also implicated in Robb’s reported plans.

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