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## U.S. Senate Confirms Nomination of John Ring to NLRB

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Last month, the United States Senate confirmed attorney John Ring by a 50-48 vote to fill the National Labor Relations Board's ("Board") last vacancy. Ring fills the seat vacated by Chairman Philip A. Miscimarra (R) when his term expired in December 2017.

### What this means for employers:

With Ring's confirmation, the Board returns to a GOP majority of three Republicans and two Democrats.

The Board is anticipated to resume questioning the list of Obama-era policies that NLRB's General Counsel, Peter Robb, identified late last year in GC Memorandum 18-02 ([which we discussed in detail here](#)).

Those policies include the controversial Purple *Communications* ruling, where the Board determined workers could use company email to conduct union business, and the *Browning-Ferris* decision, which made it easier for employees to hold companies associated with an employer liable as a joint employer.

Notably, the Board attempted to overturn the *Browning-Ferris* decision late last year in *Hy-Brand Industrial Contractors & Brandt Construction Co.*, 365 NLRB No. 156 (2017). However, the *Hy-Brand* decision was rescinded in late February 2018 after the NLRB's inspector general determined Member Bill Emanuel should have recused himself from the decision ([which we previously reported on in detail here](#)).

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