

Acting General Counsel of the NLRB, Peter Ohr, Begins Undoing Past General Counsel's Projects and Procedures

By **Amanda M. Connelly**

After being named Acting General Counsel of the National Labor Relations Board (NLRB), Peter Ohr has not slowed down. In a recent American Bar Association committee meeting, Ohr stated, "when I was asked to serve as acting general counsel, it was not with the idea that I was just going to be a potted plant." With that said, Ohr has worked to rescind two sets of former General Counsel Peter Robb's directives and to withdraw from Robb's ongoing cases.

Ohr was the NLRB's Regional Director of Region 13 in Chicago and has been a career employee of the NLRB. As stated in Roetzel's previous alerts, the NLRB is granted authority by Congress to enforce labor laws and is governed by a five-person board and a General Counsel. The General Counsel is appointed by the President to a four-year term but is independent of the board.

Ohr doesn't appear to have any plans to wait for Jennifer Abruzzo to be appointed as the permanent General Counsel, despite legal challenges being raised by employers due to the ongoing questioning of the Biden Administration's authority to remove Peter Robb. With Abruzzo's appointment still pending, two items that may be on Ohr's agenda as Acting General Counsel are (1) reviewing the NLRB's 2017 Boeing Decision, which evaluated whether employee handbooks comply with labor laws, and (2) assessing the NLRB's resources and developing a spending plan. Ohr has already rescinded one memorandum from Robb's tenure that provided guidance on how to apply the test laid out in the Boeing Decision. According to Ohr, the Boeing Decision does not "square with" the National Labor Relations Act.

Roetzel will continue to monitor developments in this area. For more information and insight on this matter, please contact one of the listed Roetzel attorneys.

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