

Trump Names NLRB's Newest Member As Chair

By Adam Lidgett

Law360 (April 13, 2018, 4:03 PM EDT) -- The White House said Thursday that newly confirmed National Labor Relations Board member John Ring will chair the board, taking over from Marvin Kaplan, a fellow Republican who has served in the role since December.

The Trump administration's brief announcement of Ring's elevation came a day after the U.S. Senate on Wednesday narrowly confirmed him, 50-48, to fill the board's only remaining vacancy. Ring's confirmation returns the board to a full complement of five, three Republicans and two Democrats, and brings back a GOP majority that would allow the administration to overturn a slew of Obama-era decisions that business advocates have criticized as overly labor-friendly.

Ring, who has been a partner at Morgan Lewis & Bockius LLP, joined a labor board in disarray amid a series of controversies over plans by NLRB General Counsel Peter Robb, a Republican, to restructure the agency and the board's decision in a case involving Hy-Brand Industrial Contractors Ltd. The Hy-Brand ruling, one of the five precedential decisions issued in December, rescinded a 2015 ruling making it easier for workers to hold affiliated companies liable for each other's labor violations as joint employers.

President Donald Trump had selected Ring for the board in January.

Trump had appointed Ring's predecessor Kaplan as acting chairman of the board in December following the departure of former agency Chair Philip Miscimarra, a Republican whose term had expired just before Kaplan's appointment.

Kaplan was nominated by Trump to serve on the labor board in June and was confirmed in August. At the time he was selected, Kaplan had been chief counsel to the chair of the Occupational Safety and Health Review Commission.

Steve Bernstein, a partner at management-side firm Fisher Phillips' office in Tampa, Florida, told Law360 on Friday that Ring's becoming chair is the Trump administration's prerogative.

"It's not unusual for that chair designation to move around within members of the board," Bernstein said. "It doesn't happen often, but I can't say it's unusual. It certainly lies within the purview of the administration."

The White House did not immediately respond to a request for comment, and the NLRB declined to

comment to Law360 on Friday.

--Additional reporting by Braden Campbell and Vin Gurrieri. Editing by Jill Coffey.

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