



Pennsylvania Conference of Teamsters

Strength in Numbers 95,000

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LEGISLATIVE ACTION ALERT

NLRB ACTING GENERAL COUNSEL'S CHANGES EXPLAINED

This is a fuller explanation of the NLRB's General Counsel's memo provided by the PA Conference of Teamsters legal advisor, Tom Kohn, Esq. who discussed the issue in Vol. 9 No. 11 February 2025 that you previously received.

Memorandum re: Rescinded NLRB General Counsel Memoranda

On February 14, 2025, NLRB Acting General Counsel William Cowen rescinded 28

General Counsel memos issued by former NLRB General Counsel Jennifer Abruzzo during her tenure. These rescissions do not reflect a change in binding law, but instead a change in the Board's priorities and initiatives, which may soon result in a change in the law. When there is a turnover in administration, it is common for a new General Counsel to rescind guidance issued by their predecessor; however, AGC Cowen's mass rescission signals a significant shift in policy for the Board going forward.

GC Abruzzo's Board prioritized enforcing Section 7 protections, broad interpretation of the Act, and an expansive view of statutory employees and protected concerted activity. In contrast, AGC Cowen is already signaling a more conservative, narrow interpretation of the Act and an intent to cut down the agency's caseload (which will likely result in less overall enforcement and more Board-encouraged settlement).

For more information on specific guidance, GC Memo 25-05 is available on the NLRB website.

The following General Counsel Memoranda have been rescinded:

- GC 21-01, Guidance on Propriety of Mail Ballot Elections, pursuant to *Aspirus Keweenaw*, 370 NLRB No 45 (2020)
- o Rescinded because COVID-19 is no longer a Federal Public Health Emergency (PHE).

