

Biden Names Peter Ohr NLRB Acting General Counsel

By Jonathan J. Spitz & Richard F. Vitarelli

January 26, 2021

Meet the Authors



Jonathan J. Spitz

(He/Him • Jon)

Principal

(404) 586-1835

Jonathan.Spitz@jacksonlewis.com



Richard F. Vitarelli

Principal

860-331-1553

Richard.Vitarelli@jacksonlewis.com

Related Services

Labor Relations

©2021 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

On January 20, 2021, President Joe Biden summarily removed National Labor Relations Board (NLRB) General Counsel Peter Robb from office. Biden removed Robb's deputy Alice Stock the following day. These unprecedented moves were clearly meant to change direction from that of Trump administration appointees. However, they left the NLRB without its legal advisor and without its prosecutorial arm.

On January 25, 2021, the President named Peter Sung Ohr to be acting General Counsel. Ohr is the NLRB's Chicago office Regional Director. Under Section 3(d) of the National Labor Relations Act, Ohr will only serve as acting General Counsel for a maximum of 40 days unless the administration submits a nomination to the Senate.

The appointment of Ohr is seen as a step toward establishing a more union-friendly NLRB. It is thought that Ohr may soon reverse his predecessor's operational directives and litigation initiatives.

It is speculated that unfair labor practice complaints issued under Ohr could be challenged on the grounds that Robb's removal, and thus Ohr's appointment, were unlawful.

For information on changes coming to the NLRB, please contact the Jackson Lewis attorney with whom you work.