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New Year, New Board – NLRB Nominations Confirmed, Board Regains Quorum

Labor Relations Update on **December 20, 2025**

On December 18, 2025, the U.S. Senate confirmed the appointments of Members Scott Mayer and James Murphy, and General Counsel ("GC") Crystal Carey, to the National Labor Relations Board ("NLRB" or the "Board"). Eleven months after Member Gwynne Wilcox's unprecedented firing, the Board has regained a three-Member quorum and can begin issuing decisions with immediate effect.

As reported here and here, President Trump's nominations of Carey, Mayer and Murphy were made in March and July, respectively.

GC Carey was a Board attorney for eight years and represented employers in private practice at a major U.S. law firm prior to her nomination. Members Mayer and Murphy also have strong labor-relations backgrounds. Mayer represented employers in the hospitality industry, the food service industry, and at several law firms prior to his position at Boeing, where he was the Chief Labor Counsel at the time of his nomination. Murphy spent his career at the NLRB and was selected by former Member Kaplan to serve as his chief counsel in 2017.

While GC Carey was nominated in March 2025, her nomination was delayed after she seemingly lost the support of some Republican members of Senate Health, Education, Labor and Pensions ("HELP") Committee – the committee tasked with sending Board nominees to a Senate vote. The HELP Committee also delayed a vote on Member Mayer amid an ongoing labor dispute at Boeing.

With the appointments of Members Mayer and Murphy, the NLRB now has a quorum with three sitting members: two Republican-appointed Members (Mayer and Murphy) and one Democrat-appointed Member (David Prouty). It remains to be seen how long this quorum will last, as Member Prouty's term expires on August 27, 2026. Member Murphy's term expires on December 16, 2027, while Member Mayer's term expires on December 16, 2029.

Another variable is the litigation over the firing of Member Wilcox. The case is still pending and, as reported here and here, likely will be heard by the U.S. Supreme Court. If reinstated, Wilcox's term would run through August 27, 2028, and the Board would be split between two Republican-appointed members and two Democrat appointed members.

Takeaways

With the regained quorum, employers should expect the Board to begin issuing decisions in the near future. Public comments by former Board members indicate that the Board has a number of decisions that are drafted and ready to be issued once Members Mayer and Murphy start work. We do not know exactly which decisions the Board will issue first, but employers should expect that, with a Republican-appointed majority, the Board will likely overturn a number of decisions made by the Board during the Biden administration that were seen as union-friendly.

We expect that GC Carey will begin issuing general counsel memos that provide insights into her prosecutorial goals. These goals often set the agenda of the Board.

Decisions and changes may start coming quickly with the re-constituted Board, stay tuned.

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