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Trump's Latest NLRB Pick Could Swing Biden-Era Precedent

Labor Relations Update on **April 16, 2026**

On April 13, 2026, President Trump nominated James Macy to fill the third vacant Republican seat on the National Labor Relations Board ("NLRB" or the "Board"). The President also re-nominated current Democrat NLRB Member David Prouty to serve a second term. The dual split-party nominations—a common political maneuver—may facilitate a quicker confirmation by the Senate for both nominees.

Macy, the Director of the U.S. Department of Labor's Office of Workers' Compensation Programs, was previously appointed as the acting head of the DOL's Wage & Hour Division. Prior to joining the DOL in 2024, Macy spent several decades representing employers in private practice in Milwaukee, Wisconsin. Prouty, the NLRB's lone Democrat, was originally nominated by President Biden and subsequently confirmed by the Senate in July 2021. The former union lawyer's current term ends in August. The confirmation of Macy and Prouty would preserve the Board's three-member quorum, which it lacked for most of 2025 after President Trump fired former Democrat Member Gwynne Wilcox.

As we reported here, despite regaining a quorum in late 2025, the NLRB's three sitting Members have thus far chosen to adhere to longstanding NLRB tradition by declining to overturn existing NLRB precedent in the absence of a three-Member majority. If confirmed by the Senate, Macy would provide the necessary third Member to establish a Republican majority and position the Board to begin effectuating the administration's federal labor policy. Changes to national labor law are often typically implemented through NLRB decision making. With a three-Member Republican majority, the NLRB is likely to finally revisit a number of Biden-era NLRB decisions, such as the standard for evaluating workplace rules in *Stericycle, Inc.*, 372 NLRB No. 113 (2023) and establishing a new framework for union recognition in *Cemex Construction Materials Pacific, LLC*, 372 NLRB No. 130 (2023).

We will continue to monitor the confirmation proceedings and any resulting shifts in NLRB policy.

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