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UPDATE: CONFIRMED – Trump's Latest NLRB Pick Could Swing Biden-Era Precedent

Labor Relations Update on **July 15, 2026**

Updated 8/8/2026

As previously reported here and here, President Trump nominated James Macy to fill the third vacant Republican seat on the National Labor Relations Board ("NLRB" or the "Board").

Today, August 7, 2026, the Senate voted 51-47 to confirm Macy as a new Republican member of the Board. The Senate also re-confirmed Democrat David Prouty, a Biden-nominee who was originally confirmed by the Senate in 2021, for another term. The confirmations come just in time, with the Senate set to begin a five-week summer recess and Prouty's term due to expire on August 27. His departure would have left the Board without a quorum, as was the case for eleven months in 2025.

While the Board regained a quorum in late 2025, the two newly-appointed Republican Board members, Scott Mayer and James Murphy, refrained from overturning Biden-era precedent in the absence of a three-Member Republican majority. Once sworn in, Macy will establish a Republican majority and position the Board to make precedent-shifting decisions.

With Macy's confirmation, the NLRB is likely to revisit a number of Biden-era decisions which established favorable precedent for employees such as the standard for evaluating workplace rules in *Stericycle, Inc.*, 372 NLRB No. 113 (2023), the framework for union recognition in *Cemex Construction Materials Pacific, LLC*, 372 NLRB No. 130 (2023), the bar on broad severance agreement confidentiality and non-disparagement provisions in *McLaren Macomb*, 372 NLRB No. 58 (2023), and the expansion of make-whole remedies in *Thryv, Inc.*, 372 NLRB No. 22 (2022).

The Board often issues these types of precedent shifting decisions around Labor Day. Stay tuned.

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