

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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