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### **NLRB News: New Board Members (Maybe); Union Election Results**

With only two of five Board positions filled, the NLRB lacks a quorum to decide cases. President Trump nominated Scott Mayer and James Murphy to fill two of the open three slots. Mayer is Chief Labor Counsel for Boeing (no doubt he's been busy) and Murphy is a long-time NLRB lawyer who worked for various Republican Board members. The majority of Board members are comprised of the party of the President, thus we had the Biden Board (three Democrats), and if Mayer and Murphy are confirmed, we'll have the Trump II Board—three Republicans. During Trump I, the President appointed Marvin Kaplan as Board Chair. His term, and each member's terms, is five years. Kaplan's term expires on August 27, 2025.

It's possible that some Republican senators (Josh Hawley comes to mind) may oppose Scott Mayer but support James Murphy. Boeing has been in the news for quite a while, and most of it has not been good. Mayer may take the fall for that. It will be more difficult for Senator Hawley and other Republicans to oppose James Murphy, a life-long NLRB lawyer.

Election petitions filed by unions have declined nearly 20% this fiscal year (year ending September 30) compared to FY 2024. During FY 2024, unions filed 1,494 petitions. They are on track for 1,210 for FY 2025. Unions are winning 78.6% of all petitions they file, up slightly from 78.1% during FY 2024. The message to employers: You will never lose an election that is not held. Surprisingly, unions even won 73.3% of elections filed by employers. Those elections most often occur when union-represented employees present their employer with a petition or there is other objective evidence to get rid of the union.

Employers should proactively assess the overall workplace climate: what concerns employees, how is the employer addressing those concerns, are employees "spectators in the stands" or "engaged on the field," and what can employees do to increase their value to the employer, and thus their pay. As we approach Labor Day, a holiday that was first recognized in 1882 and became a federal holiday in 1894, be alert to and comfortable with workplace conversations about unions and why they are not needed at your workplace.

We discuss leadership, the National Labor Relations Act, and the consequences of unionization on the workplace in our [Effective Supervisor program](#), which will be held across the state this October, or can be scheduled on an in-house basis.

If you have any questions or would like additional information, please contact Richard Lehr at 205-323-9260 or [rlehr@lehrmiddlebrooks.com](mailto:rlehr@lehrmiddlebrooks.com).