GENERAL PRESIDENT'S REPORT

2018 brought with it many changes in the Labor industry in the United States, including to the National Labor Relations Board ("NLRB"). Namely, one major change included the confirmation and appointment of John Ring as chairman of the board, cementing a Republican majority. Prior to his appointment, Ring worked as a labor and employment attorney for Morgan, Lewis & Bockius representing large corporations in anti-union matters. Another nominee occurring in 2018 was for the NLRB's General Counsel, Peter Robb. Prior to his appointment, Robb was a vocal critic of NLRB many decisions protecting workers' rights, including decisions protecting workers' rights to use social media and the NLRB's rules removing employer roadblocks to representation elections. With these two appointments, unfortunately, all of the hard work and NLRB decisions from the Obama era that supported workers' rights to collectively bargain are in constant danger of being overturned by the Trump appointed majority.

The NLRB spent the entirety of 2018 reevaluating its own organizational structure, considering major alterations to processes at the agency that could affect many day-to-day issues, including case handling. The NLRB terminated its collective bargaining agreement with the union representing its staff members – the NLRB Professional Association – in an effort to renegotiate its terms. These changes were met with fierce opposition; on November 8, many career staffers at the NLRB protested and handed out leaflets outside an American Bar Association conference, the second such employee action in the current board's first year. The employees claim the agency is trying to make more pay cuts and cut back benefits, despite ending the fiscal year with a budget surplus.

Perhaps the most important NLRB advancement is the current proposed changes to the NLRB's joint employer test. On September 14, 2018, the board proposed a regulation that would clarify that separate employers would only be considered joint employers of a group of employees if both of the two employers actually exercise substantial direct and immediate control over the employees' essential terms and conditions of employment. The board also clarified that the indirect

influence and contractual reservations of authority would no longer be sufficient to establish a joint-employer relationship. This proposed rule would reverse the NLRB's 2015 decision in *Browning-Ferris Industries of California, Inc.*, which many believed signaled the beginning of the end of outdated laws that failed to address an economic structure tilted against working families. As it does with every proposed rule, the NLRB is allowing time for submitting comments regarding the rule, and on multiple occasions extended the time to comment. If passed, this rule could result in employers avoiding consequences for various labor law offenses and further restrict workers' bargaining power.

2018 was a difficult year in which divided government dominated the headlines, as evidenced by the recent government shutdown that resulted in hundreds of thousands of government workers going weeks without a paycheck. It is vital now more than ever that organized labor remains united and strong, supporting one another in the face of corporate greed and divisiveness. Our members must continue to stay vocal and vigilant against any and all attempts to impede our ability to organize and represent our members. After all, our collective future is at stake.