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LEGISLATIVE ACTION ALERT

NLRB GENERAL COUNSEL RESCINDS BIDEN BOARD'S GENERAL COUNSEL'S MEMORANDA

Well, it didn't take long for President Trump and his newly-appointed Acting General Counsel to the NLRB to undo just about everything that the prior administration had accomplished. Attached is a memorandum dated February 14 from Acting General Willaim Cowen rescinding over two dozen memos that his predecessor, Jennifer Abruzzo, had issued. They are far too numerous to review in detail, but as you will note from the description on many of them, they are cutting back on prior pro-worker/union positions that had been issued during the Biden-Board's tenure.

This is just the beginning. What will follow in the next several years is a reversal of numerous NLRB decisions. As those changes evolve, we will keep you advised. The bottom line, of course, is that we are in for a relatively swift return to the law that existed under Trump's first term.

Attached to this alert is a memo from the Acting General Counsel of the NLRB announcing the rescission of just about everything that General Counsel Abruzzo did under the Biden Board.



Thomas Kohn, Esquire -Markowitz & Richman
123 South Broad Street -Suite 2020
Philadelphia, PA 19109
215-875-3129



OFFICE OF THE GENERAL COUNSEL

MEMORANDUM GC 25-05

February 14, 2025

TO: Regional Directors, Officers-in-Charge,
and Resident Officers

FROM: William B. Cowen, Acting General Counsel

SUBJECT: Rescission of Certain General Counsel Memoranda

Over the past few years, our dedicated and talented staff have worked diligently to process an ever-increasing workload. Notwithstanding these efforts, we have seen our backlog of cases grow to the point where it is no longer sustainable. The unfortunate truth is that if we attempt to accomplish everything, we risk accomplishing nothing.

Since assuming the role of Acting General Counsel, working with experienced field and headquarters professionals, I have conducted a comprehensive review of active General Counsel Memoranda and determined that the following actions are warranted.

A. The following General Counsel Memoranda are rescinded:

- GC 21-02 Rescission of Certain General Counsel Memoranda
- GC 21-03 Effectuation of the National Labor Relations Act Through Vigorous Enforcement of the Mutual Aid or Protection and Inherently Concerted Doctrines
- GC 21-04 Mandatory Submissions to Advice
- GC 21-08 Statutory Rights of Players at Academic Institutions (Student-Athletes) Under the National Labor Relations Act
- GC 22-06 Update on Efforts to Secure Full Remedies in Settlements (Revised Attachment)
- GC 23-02 Electronic Monitoring and Algorithmic Management of Employees Interfering with the Exercise of Section 7 Rights
- GC-23-04 Status Update on Advice Submissions Pursuant to GC Memo 21-04
- GC 23-05 Guidance in Response to Inquiries about the *McLaren Macomb* Decision
- GC 23-08 Non-Compete Agreements that Violate the National Labor Relations Act
- GC 24-04 Securing Full Remedies for All Victims of Unlawful Conduct

- GC 24-05 Section 10(j) Injunctive Relief and the U.S. Supreme Court’s Decision in *Starbucks Corp. v. McKinney*
 - GC 24-06 Clarifying Universities’ and Colleges’ Disclosure Obligations under the National Labor Relations Act and the Family Educational Rights and Privacy Act
 - GC 24-06 Attachment
 - GC 25-01 Remediating the Harmful Effects of Non-Compete and “Stay-or-Pay” Provisions that Violate the National Labor Relations Act
 - GC 25-02 Ensuring Settlement Agreements Adequately Address the Public Rights at Issue in the Underlying Unfair Labor Practice Allegations
- B. The following General Counsel Memoranda are rescinded pending further guidance:
- GC 21-05 Utilization of Section 10(j) Proceedings
 - GC 21-06 Seeking Full Remedies
 - GC 21-07 Full Remedies in Settlement Agreements
 - GC 22-01 Ensuring Rights and Remedies for Immigrant Workers Under the NLRA
 - GC 22-01 (en Español) Asegurando los Derechos y Remedios para Trabajadores Inmigrantes Bajo la NLRA
 - GC 22-02 Seeking 10(j) Injunctions in Response to Unlawful Threats or Other Coercion During Union Organizing Campaigns
 - GC 22-03 Inter-agency Coordination
 - GC 22-05 Goals for Initial Unfair Labor Practice Investigations
 - GC 23-01 Settling the Section 10(j) Aspect of Cases Warranting Interim Relief
 - GC 23-07 Procedures for Seeking Compliance with and Enforcement of Board Orders
 - GC 24-01 (Revised) Guidance in Response to Inquiries about the Board’s Decision in *Cemex Construction Materials Pacific, LLC*
 - GC 25-03 New Processes for More Efficient, Effective, Accessible and Transparent Casehandling
 - GC 25-04 Harmonization of the NLRA and EEO Laws
- C. The following General Counsel Memorandum is rescinded as no longer relevant in light of the Board’s Decision in *Amazon.com Services LLC*, 373 NLRB No. 136 (2024):
- GC 22-04 The Right to Refrain from Captive Audience and other Mandatory Meetings

D. The following General Counsel Memorandum is rescinded and the guidance in GC 18-01 is restored:

- GC 23-03 Delegation to Regional Directors of Section 102.118 Authorization Regarding Record Requests from Federal, State, and Local Worker and Consumer Protection Agencies

E. The following General Counsel Memorandum is rescinded as COVID-19 is no longer a Federal Public Health Emergency (PHE)

- GC 21-01 Guidance on Propriety of Mail Ballot Elections, pursuant to *Aspirus Keweenaw*, 370 NLRB No. 45 (2020)

I believe that it is incumbent upon all government leaders to continuously examine what we are doing and why we are doing it in order to explore ways to improve our service to the public. Thus, my review of our practices is ongoing, and I anticipate that further adjustments will be made as needed.

/s/
W.B.C.