

Live from Workplace Horizons 2025: Worker Activism — How to Prepare for the Expected Continued Surge?

By Laura A. Pierson-Scheinberg & Daniel D. Schudroff

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Meet the Authors



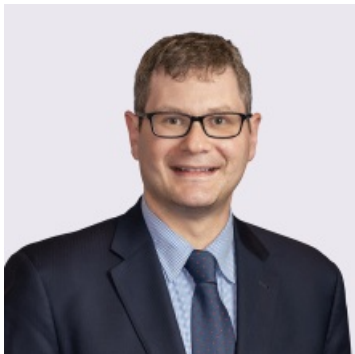
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Transcript

INTRO

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CONTENT

Alitia Faccone

Senior Director of Business Development

Welcome to We get work Live from Workplace Horizons 2025. In the podcast studio with us this afternoon are Laura Pierson-Scheinberg, principal in Jackson Lewis' San Francisco office, and Dan Schudroff, principal in Jackson Lewis's New York City office, both top thought leaders in the labor law space. Thanks for joining us.

Dan, so if you could tell us a little bit about your practice, which I just mentioned happened to include labor law and what you're hearing from clients these days.

Daniel Schudroff

Principal, New York City

Thank you, Alitia. I focus primarily on traditional labor law with both unionized and non-unionized clients, but I assist clients on a wide range of issues, including advice and counsel from state and federal standpoints, employment litigation both in federal and state courts as well as administrative agencies and anything that falls in between. I do a lot of work with employers within New York City and New York State, but also around the country as well. Multi-state employers look to us as a firm, and we have a great team to provide guidance.

Faccone

Laura, you are the co-leader of our Labor and Preventative Practice Groups as well as our Retail Group, so a lot of issues and a lot of employers. Tell us a little bit about your practice and the issues that you're seeing in your space.

Laura Pierson-Scheinberg

Principal, San Francisco

I always go by Laura, the labor lawyer; it's easy to remember. I truly do all issues labor. I spend a lot of my time on labor strategy, both in the union and non-union space. We really deal with the entire life cycle of the union process. I deal with clients across the country; I actually have a presence also in Baltimore. I have that bi-coastal experience, and really, especially now, with the change in the administration and the difference in cooling off. It's not cooling off in California at all, but I've heard in the East, the Southeast in particular, the immunization issues have cooled off a bit. We're certainly not experiencing that in Cali for sure.

Faccone

In fact, the title of your presentation this afternoon was all about worker activism and how to prepare for the expected surge.

Dan, why don't you tell us a little bit about what you covered in the presentation, and what issues people can still expect?

Schudroff

Laura and I were fortunate to be joined by the Chairman of the National Labor Relations Board, Marvin Kaplan, who spoke about issues going on at the National Labor Relations Board, with respect to issues involving protected conservative activity, workplace rules and union organizing. As a panel, we were able to explain to our audience all the things that could be happening in the next few months or even year at the National Labor Relations Board.

Pierson-Scheinberg

It's a really weird time because there's no quorum at the National Labor Relations Board. Everything in Washington is frozen, but in the regions, we are seeing cases being processed. In fact, where cases have been dormant, there is some movement. We're seeing more settlements because of some relaxed approach on what they're willing to accept on the Board. They were backing off some of the apology letter and other extra damages that they don't typically seek. Now, we're seeing a loosening of that. We are seeing some activity in the regions.

As Chairman Kaplan talked about, without a quorum, they're left with not much to do. He's been spending his time on one of his favorite things to do, which is drafting opinions. He's been spending his time drafting those potential opinions on those cases that swing back for the team that might come in because his appointment ends in August.

Faccione

We talked a lot here in the podcast studio with other speakers about how much things have changed and how much uncertainty there is. Apparently, that's also true in the labor space. What can we tell our clients? What can we tell our listeners? What are some of the key takeaways that you might have discussed or that Chairman Kaplan might have provided in his time as guest speaker on your panel?

Schudroff

What Laura said is absolutely right. Right now, without the quorum in place, there's not a lot of change to be expected immediately. That being said, clients can read the tea leaves from past cases that were issued during the first Trump administration to see where the law might go. A lot of these issues are still on hold right now.

It all comes down to risk tolerance from an employer's perspective as to whether or not that particular employer wants to take that the risk based on the current law as it stands – whether or not an allegation filed in an unfair labor practice charge could come before an administrative law judge before the law changes potentially back to a favorable employer stance. That's an open question that none of us can really answer. So, it really comes down to a risk tolerance and how much employers are willing to take on from a gamble standpoint as to whether or not their case would be decided before the law might shift back.

Faccione

It's a very tenuous position for our clients and something difficult that you have to help them get through as we move forward.

Pierson-Scheinberg

We're really looking at whether you want to go the patience route – do we want to wait until the pendulum swings, and how long? As Dan talked about, it's about this risk tolerance, but also the severity of the issue. What

is important? What are all the outcomes, pros and cons of compliance or predicting and reading those tea leaves as to where you hope it's going? Then, maybe, you're that case.

Faccone

Well, I guess unless you get an advanced copy of one of those drafts of Chairman Kaplan's opinions, we all have to play the waiting game a little bit, I guess.

Laura, Dan, thank you so much for participating here at Workplace Horizons and being in the podcast studio this afternoon. Enjoy the rest of the conference.

OUTRO

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