

News

HUNTER IN 'LAW360' ON NLRB REQUEST OF 5TH CIRCUIT TO REMAND CASE ON OUTBURST PRECEDENT

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Senior Counsel Jerry M. Hunter was quoted June 3 by *Law360* concerning the National Labor Relations Board (NLRB) request that the 5th Circuit remand an employer's challenge to a ruling that found the company unlawfully disciplined a worker over conduct at a meeting. The NLRB seeks to have the case reconsidered under a new standard making it easier to fire workers over outbursts. In a motion filed Wednesday, the NLRB said the appeals court should remand Lion Elastomers LLC's appeal of a May 2020 ruling that found it violated the National Labor Relations Act by firing employee Joseph Colone because of his union activity. The board said it would like to review the case because it overturned the Atlantic Steel standard in a July decision involving General Motors LLC that made it easier for employers to fire workers over outbursts in the workplace. Hunter noted that it is possible the board could use the case to revisit the General Motors precedent. He noted the case is unlikely to be briefed and ready for reconsideration until after President Joe Biden is expected to have secured a Democratic majority on the board after member William Emanuel's term expires in August. Hunter is a former NLRB general counsel, having served during the administration of former President George H.W. Bush.

MEET THE TEAM



Jerry M. Hunter

St. Louis

jerry.hunter@bclplaw.com

[+1 314 259 2772](tel:+13142592772)

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