

## News

# HUNTER IN 'LAW360' ON NLRB GUIDANCE MEMOS

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St. Louis Partner Jerry Hunter was [quoted Jan. 16 by Law360](#) regarding the latest round of guidance memos from the National Labor Relations Board's (NLRB) advice division. One such memo concerns the Banner Health System case, in which Hunter said he thinks the NLRB went too far by creating a precedent that "adversely impacted employers' efforts to conduct appropriate investigations," especially in cases of sexual harassment, race bias or harassment in general terms. "The Obama board in Banner Health went too far because they placed the burden on the employer to justify why confidentiality during an investigation would be necessary – they shifted the burden from the general counsel to the employer," said Hunter, NLRB general counsel in the George H.W. Bush administration. "I would say the Apogee decision, clearly in my view, states the right standard that the burden should not have been on the employer in Banner Health to show that confidentiality was needed during the investigation."

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