



A Fox Rothschild Podcast

Labor Law Lineup

Episode 5: What HR Needs to Know about ULPs

Featuring Mark Eskenazi and Katie Cohodes of Fox Rothschild

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Mark: Welcome to "Labor Law Lineup." I'm Mark Eskenazi.

Katie: And I'm Katie Cohodes.

Mark: We're labor and employment attorneys at Fox Rothschild breaking down how the current state of labor law affects your workplace.

Katie: Mark draws on deep experience shaping federal labor policy at both the White House and the National Labor Relations Board.

Mark: Katie offers sharp insight as former in-house counsel who's dealt firsthand with a broad range of workplace challenges.

Together we break down labor law news for people leaders.

Katie: And we promise to keep it brief, because we know your time is valuable and your inbox is full.

Mark: Please reach out if you're a client of Fox Rothschild or a listener who wants to continue the conversation on anything we cover.

Welcome back. We recorded this episode on January 27, 2026. Today's episode is a bit different. We're gonna walk through the basics of how the NLRB works. Think of this as your high-level roadmap of what to expect if a unfair labor practice charge is filed against your company.

Katie: Let's start at the very beginning. Mark, what is the NLRB?

Mark: The National Labor Relations Board is the federal agency that enforces the National Labor Relations Act.

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The board has two main functions: Investigating unfair labor practice charges and conducting union elections.

Katie: So if an employee or a union believes a company violated their rights under the NLRA, they file a ULP charge with the NLRB. Then what?

Mark: So the charge would go to one of the NLRB's regional offices. A field agent is assigned to investigate. They'll request documents, interview witnesses and gather facts. Expect this to last at least several weeks to a few months. In recent years, it could take even longer.

What happens after the investigation, Katie?

Katie: The regional director decides whether to issue a complaint. If the region doesn't find merit, the charge is dismissed, but the charging party can appeal to the General Counsel in DC. If the regional director does find merit to the charge, the case moves towards a hearing before an administrative law judge. However, the vast majority of cases settle.

Mark: The settlement piece is important. Of course, that can save significant time and resources and avoid litigation. In fact, both before and after issuing complaint, the regional director will seek to reach settlement. However, not all cases settle. And the administrative law judge's decision could be appealed to the board in Washington, D.C., the U.S. Court of Appeals and ultimately the U.S. Supreme Court. That process could take years.

What about remedies? If a company is found to have violated the act, what could happen?

Katie: Typical remedies include posting a notice, describing the violation, reinstating terminated employees with back pay and being ordered to cease the unlawful conduct. In some cases, the board can seek injunctive relief in federal court.

Mark: Great overview. Considering how involved the unfair labor practice charge process can be, Companies should be working closely with experienced labor counsel to assess the case and comply with any requests throughout the process. Thanks everyone, and we'll see you at the next episode.

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