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Rich Meneghello (00:00)
Welcome to The FP 5: Five Things for Your 9-to-5. We help employers make sense of the fast-moving world of workplace law and compliance by breaking topics down into five parts. I'm Rich Meneghello, Chief Content Officer here at Fisher Phillips.

For the first time in years, the National Labor Relations Board has enough votes to actually get stuff done, overturning precedent, passing new rules, not just chipping away at things, making big, bold moves. The Senate confirmed James Macy in early August, and the Board now has three Republican appointees, which, as everyone knows, three is the magic number, and three is the number that the NLRB needs to start unwinding a long list of Biden-era rulings.

So today we're asking which of these rules are going to change, which ones are going to survive, and I have the perfect person to help assist us in walking through this, Brian Balonick. He's the Regional Managing Partner of our Pittsburgh office, and he has spent more than two decades representing management in traditional labor matters. Brian, how are you today?

Brian Balonick (01:08)
Great, Rich. Thanks for having me.

Rich Meneghello (01:10)
You've spent more than two decades representing management. That sounds old. Like spending more than two decades at something, I don't know if I'd like to be described that way. Sorry if that made you feel a little bit ancient.

Brian Balonick (01:21)
It's surprising to me too, because I feel like I just graduated from law school, but it's been since 2002, so I've been at it for a while.

Rich Meneghello (01:29)
Your knees tell you differently when you wake up in the morning, I'm guessing. Brian, before we dive into it, tell us the origin story. How did you become a labor attorney?

Brian Balonick (01:38)
Rich, you know, growing up in Pittsburgh in the '80s, labor law was front and center for everybody that that lived here. The steel industry was so front and center to this city. And I tell people this all the time that when I was playing football and hockey and baseball as a kid, everybody's dad was somehow connected to the steel industry. And then that so quickly changed, and there was so much disruption in the city and it affected so many people's families.

So it was something I was always interested in. And when I went to law school, I would tell people, I'm gonna be a labor lawyer. I didn't really know what that meant. But after my first year of law school, I was a clerk at a small firm in Pittsburgh. And one of my first projects was there was a strike for one of their clients, a construction client. And I had to go out with a lawyer to take affidavits. And you know, there was an active strike going on, we went through the picket line, people were banging on our car. And I just remember thinking like “This is so cool” because what we're doing is, you know, it's real. It's not a big corporate transaction. It's not a long litigation. I mean, this is affecting people's lives, it's affecting this business, it's affecting these people's jobs. And it just seemed like, it just felt like you're on the front lines of the law.

Rich Meneghello (03:01)
Yeah, that's amazing. You know, it's funny too, how you're like telling people that you wanted to be a labor lawyer before you knew what it was. When I was finishing college and starting law school, I would tell people I was going to be an international tax lawyer. I have no idea why I would say that. I don't even know what that means. I hate taxes. I don't even know if that's a job, but yet I would tell people that.

Brian Balonick (03:21)
It sounds very sophisticated.

Rich Meneghello (03:23)
It does, doesn't it? Yeah. Sounds like something, you know, like a James Bond-type thing. If he were a lawyer, he'd be an international tax lawyer.

All right, well, let's dive right in. We are going to dissect what's been going on and what will be happening at the NLRB in five parts. So the first thing, the NLRB just got the votes it needs to start reversing precedent, and that's gonna change everything. So, Brian, walk us through what happened here briefly. Why does one confirmation of one member matter so much?

Brian Balonick (03:58)
It matters because of a tradition at the National Labor Relations Board, not something that's in the law, not something that's under the National Labor Relations Act, the statute. It's been a tradition over the years that the Board, which is a political body in and of itself, because the five members of the Board are appointed by the President. And traditionally three members of the of the Board are from the President's party and two members are from the opposition party. And the Board has traditionally not disrupted precedent unless it has a quorum, a quorum being three members.

The Board now has a quorum, and per its tradition, it's ready to address precedent, which has happened in every time in my career, the two decades that we referenced, every time a new political party holds the White House, this is what occurs. We watched it in the Biden administration as well, going from the Trump administration, Trump one to the Biden administration, it's the same phenomenon. And it takes a little bit of time until the Board is geared up to do it. And that's what's so significant about what happened in August is the Board now has a quorum, and it and it can now address precedent that was set during the Biden administration that a Republican White House would prefer to see changed.

Rich Meneghello (05:16)
So, give our audience and me an idea about the pace of change we could expect now that we've got the quorum, now that we have three votes, is stuff gonna happen overnight? Is it gonna take the next three years? What’s gonna happen here?

Brian Balonick (05:29)

It's not overnight, that's for sure. I mean, there are really two ways that the Board can address precedent: It's either through rulemaking or through actual cases. The Board can't just issue edicts that change the law. Typically, and what the Board I think has typically preferred to do is have real cases that have gone through the entire Board litigation process that get appealed from an administrative law judge, and that takes time.

And you know, you could just as an example, some of the precedent that we're gonna talk about today would change precedent from the Biden Labor Board that occurred in the late part of 2024. That was almost at the end of Biden's term. So I think we're really looking at a runway through 2028 to see these things changing. And rulemaking that I referenced before is also not a fast-moving process.

Rich Meneghello (06:21)
So things are gonna change, but it'll take a little time.

Brian Balonick (06:25)
Yes.

Rich Meneghello (06:30)
Let's then jump to our thing number two. Let's dive into the substance of some of the things that we're looking at to see whether or not they're gonna change. And Brian, in the show, we're gonna ask you to make bold predictions, okay? None of this lawyerly "it depends" stuff. We're gonna ask you to come up with solid numbers about your thoughts about changes that might happen, okay?

So, workplace rules and employee discipline, we think could soon look really different. So let's start with handbooks and employer policies. Brian, you've written about this and we're gonna include some of the key insights that our firm has published, including ones that you've written or co-authored in our show notes if people look at it. But tell us about, without getting too nerdy, the *Stericycle* standard and why employers are looking forward to that going away.

Brian Balonick (07:19)
So we talked earlier about this pendulum that's that swings every time a different political party is in the White House. And handbook rules have been the one issue that's changed with every administration. Eventually the new administration, the new Labor Board takes a look at work rules and issues a new decision. And I think it frustrates HR folks in particular because there's this concept of, my gosh, we have to rewrite our handbooks again. And also, you know, I think, for your listeners out there, it is important to note, you know, like we always think about the National Labor Relations Act applying to union workforces, but this is a place where it, you know, well, first of all, the law applies to every workforce practically in the United States, every private workforce. But this handbook issue is really relevant and more relevant to non-union workforces. In a union workforce, you have a collective bargaining agreement that really covers all these work rules; this is really, it's really about non-union workforces.

So you know, what we've seen just in the last, you know, from Trump one to Biden, you know, the Biden administration was in, Trump one changed a handbook rule and it issued a case called *Boeing*. And in the in the *Boeing* decision, the Trump Board addressed work rules and said there are three categories of work rules: those that are always unlawful, those that are always lawful, and then there's some rules in the middle that might be lawful depending upon the business need of the rule itself. And so it was sort of, it was categorized. And then the Biden administration issued a case called *Stericycle* that overturned *Boeing*. And it really shifted the burden back to the employer to defend the work rule. I think more importantly, it really created the standard of, you know, whether or not an employee would read the work rule in a way that that might chill Section 7 activity.

And Section 7 is the part of the Act that says that employees have the right to engage in protected concerted activity, basically to complain about work. And so what *Stericycle* did was create this confusion, I think, amongst a lot of employers about having to read a read a work rule to say “What would a reasonable employee, how would they read this?” And I think it is, by the way, Rich, like kind of all is to me a bit of a fiction that, you know, an employee who's about to perhaps go out and engage in a in a boycott or a picketing with their employer, whether they go back and read their handbook and say, “Oh gosh, I was going to picket, but now I see this civility rule in the employee handbook and so I ought not to do that.” I just don't, I really think that a lot of this ...

Rich Meneghello (09:55)
You're so cynical, Brian.

Brian Balonick (09:58)
I do think that *Stericycle* is going to get overturned. I think there are ...

Rich Meneghello (10:02)
Wait, no, no, no, no. Let me ask you this way: We're gonna get the Brian Balonick meter here. Scale of one to a hundred: Hundred it's a hundred percent gonna get overturned. Zero, no chance it gets overturned. Where do you fall?

Brian Balonick (10:16)
One hundred.

Rich Meneghello (10:17)
One hundred? Love it.

Brian Balonick (10:18)
For sure. You know, there I think there are cases already teed up for it to be overturned. The General Counsel of the Labor Board who enforces the Act recently issued a memorandum saying that that they are not going to prosecute independent handbook cases. So I mean, I think this is top of mind for this Board to address. And I you know, I think when we get to the bold prediction, I think you might see something like *Boeing* again, but I have a bold prediction about this. And maybe it's maybe it's not such a bold prediction as just, it's just maybe it's my opinion of what I would do if I were on the Board.

Rich Meneghello (10:56)
Yes, go for it.

Brian Balonick (10:57)
I think this problem could be solved once and for all, so that the pendulum doesn't have to swing back and forth every time there's a new administration in, by the Board specifically commenting and allowing employers to include disclaimers in policies that address Section 7 activity.

Rich Meneghello (11:17)

Super simple.

Brian Balonick (11:18)
It's interesting, you know, *Stericycle* did not mention disclaimers at all. And disclaimers, and by the way, when I say disclaimers, I mean language along the lines of saying “Nothing herein is intended to impede Section 7 activity.” It seems to me that it's the most practical way. And I was at a conference recently where former Board member Marvin Kaplan spoke and he raised this same issue. You know, so it's not, maybe not an original idea from me, but you know, it seems like a practical way to solve this problem so that it employers aren't in this position that every four years they feel like they have to go back and rewrite their handbooks, and whether they should or not, we can talk about that. But I just feel like that would be a place that this Board could get to that we're not talking about this every time there's a new presidential administration and analyzing, you know, these policies, civility policies and things of that nature under different standards.

Rich Meneghello (12:12)
I think we just heard your audition to be a member of the NLRB one day, Brian.

Brian Balonick (12:19)
You never know.

Rich Meneghello (12:20)
You never know.

Okay, thing number three, there are also some dollars and cents issues that could soon get overturned. I know that employers have been recently frustrated by a few cases on the topics of remedies and severance agreements. So let's first talk about the *Thryv* decision. Am I pronouncing that right? “Thrive”?

Brian Balonick (12:45)
Think so. That's how I've said it.

Rich Meneghello (12:47)
All right. I've had that happen before where I for years, I've said a case name and then I heard a judge or somebody else say it at a conference and they said it completely differently and I realized maybe I've been wrong all this time. So I don't know.

Brian Balonick (13:00)
I've had the same experience.

Rich Meneghello (13:01)
And it's because for those nonfamiliar, it's spelled “T-H-R-Y-V”. I don't even know what *Thryv* as a company does, but it sounds very, you know, very modern, you know, throwing the “Y” in there. All right. That decision changed how much a labor violation can actually cost an employer. Can you tell us what that case says?

Brian Balonick (13:25)
Sure. Historically, from the beginning of the Act being passed in the 1930s, when the Board has litigated against employers, particularly about the loss of a job, when somebody's loses their job, really the universe of the remedy

has been reinstatement and back pay. It's been pretty simple. And *Thryv* is was a whole new concept, really. You know, we talked before about this pendulum swing. This wasn't a pendulum swing from the Biden administration. This was a new concept, which was really that there are other damages that should be available to somebody who is harmed by a violation of the Act. And so it really expanded damages in a way that *Thryv* didn't really detail. You know, so it talked about things like potentially interest on credit card bills or payments for health care issues that came up as a result of the loss of the job. It really left it in a very general way of what could be available to an employee beyond back pay, which is simple to calculate, really. You know, it's how long somebody's been out of work. And so it was this expansive concept without a lot of guidance from the Board. You know, really just kind of a these damages should be available to employees.

Rich Meneghello (14:39)
Give us your Balonick meter read, chances of *Thryv* getting overturned.

Brian Balonick (14:43)
I'd put this one at a hundred as well. I've no doubt that this will get overturned. I think that, I you know, I've heard that even, you know, the regional offices that really are on the ground enforcing the Act are not really sure what *Thryv*, what it encompasses and they're not really pursuing *Thryv* remedies. I think it's something that comes up in a lot of, you know, almost any case that involves a discharge would give the Board an opportunity to, you know, it doesn't need a unique set of facts to find a case to overturn *Thryv*. So I'd put this one at a hundred as well.

Rich Meneghello (15:18)
Okay. And for listeners out there, if these do not come to fruition, these hundred percent guarantees, you can email Brian Balonick at Fisher Phillips and he will send you your choice of swag with a Fisher Phillips logo on it. A hat, a sweatshirt, something like that.

Brian Balonick (15:34)
Deal. And I'm comfortable I won't have to do that, but deal.

Rich Meneghello (15:38)
Okay. And then there's severance agreements, somewhat related, the *McLaren Macomb* decision. This one probably touches a lot of employers on a day-to-day basis as well. Tell us about that one.

Brian Balonick (15:49)
This was another new concept. This was not a pendulum swing, but a new concept from the Biden Labor Board that held that what a lot of folks would call boiler-plate language that you see in every severance agreement, like confidentiality provisions and non-disparagement clauses, the Board held that those could violate Section 7 rights for employees. And we're not talking about supervisors, managerial employees. They're not covered by the National Labor Relations Act. But for employees, the idea was that if a non-disparagement provision says “Thou shalt not speak ill of your employer,” Section 7 of the Act gives employees the right to do just that.

Rich Meneghello (16:30)
Okay. And your prediction on reversal for this one, are we at a hundred percent as well?

Brian Balonick (16:36)

I'm not 100% on this one, Rich, because I'm not sure that this it has quite the same impact as some of the other decisions that we've had. I think that there could be a viewpoint that, you know, because again, Republican or Democrat, the Board's job is to enforce the Act. And I think there's a reasonable argument to make here that some of these really broad statements and severance agreements do impact Section 7 rights potentially. And so, you know, do we see some comment on *McLaren Macomb* or some refining of *McLaren Macomb*? Sure, but I'm not predicting a an overhaul of this one. So maybe let's put this one at 50/50.

Rich Meneghello (17:16)
Ooh, no no no. You can't no, no no no. Can't do 50/50. That's too lawyerly. You gotta go one way or the other.

Brian Balonick (17:22)
I think it's more likely than not. Let's say 60/40.

Rich Meneghello (17:24)
Okay, that's fine. I would have accepted 51, Brian. I'm just not taking 50 these days.

You're listening to The FP 5. I'm Rich Meneghello, and once again we're here with Brian Balonick, who's the Regional Managing Partner of Fisher Phillips's Pittsburgh office.

Just to let you know, we've got a full rundown of ten predictions that our Labor Relations Team has made regarding some of the rules that we've been talking about and others as well.

We want to hear from you though, which of these NLRB rules have affected your workplace the most, for better or for worse? Leave us a voicemail using the link in the show notes. We want to hear what you have to say.

Okay, that leads us to thing number four, Brian. Union campaigns, they could very well sound and look very different in the near future if some of the existing Biden-era rules are overturned. Let's first talk about captive audience meetings. What is a captive audience meeting first? Give us, tell us about that.

Brian Balonick (18:26)
The idea of a captive audience meeting is really when a union organizing drive is going on at an employer. Captive audience meetings, which have been used by employers since the beginning of the Act, are meetings that are mandatory where employers call the employees together to talk to them about what being in a union would mean, what the employer's preference is in regard to whether they should be union-free or not. And those have been done since the beginning of the Act because Section 8C of the Act gives employers that right. It gives employers the right to communicate to their employees about unions, as long as they aren't committing unfair labor practice charges along the way, there are some rules of the road.

Rich Meneghello (19:04)
Okay. And so what changed during the Biden NLRB?

Brian Balonick (19:08)
So again, this was a new concept from the Biden Board. We haven't seen this before. And in the *Amazon* case, the Biden Board held that such captive audience speeches were coercive and were unlawful under the Act. So

employers still have an ability to communicate with employees about unions and about voting for or against unions, but the meetings have to be voluntary under the *Amazon* case.

Rich Meneghello (19:33)
Okay. Your prediction then for whether or not the *Amazon* case is overturned?

Brian Balonick (19:38)
This is another 100 as long as the Board gets the vehicle to do it, which I assume it will because it's a common issue that's come up in the wake of *Amazon*. And I think that the Trump Board would view *Amazon* as patently wrongly decided, frankly. Like, you know, 8C gives employers the right to communicate about unions, employers have the right to have meetings with employees while they're at work. This seems to me to be a pretty straight line for the federal Board. Now it is interesting, Rich, that there are a number of states that have passed state laws prohibiting captive audience speeches.

Rich Meneghello (20:15)
Okay, interesting. That's a great point. Thanks for bringing that one up. What about *Cemex*? That's another decision that we know rattled employers during the Biden era. What's that about and what do you think might change?

Brian Balonick (20:28)
Another brand-new concept that came out of the Biden Labor Board. You know, again, it changed the way union elections have been run since 1935, really in two significant ways. Number one, we saw from 1935 until just a few years ago, unions that wanted to form at a workplace would get together, they would get authorization cards from employees, and then they would go to the National Labor Relations Board and file a petition for representation. The *Cemex* case changed that protocol. And while unions have always been allowed to make demands for recognition to employers, typically employers ignored those and/or didn't respond to them. And what *Cemex* said was that if a demand for recognition occurred, that the employer then had to file that petition to test the demand for recognition if it didn't want to just accept it. So it put the onus on the employer to go to the Labor Board and file the petition for the demand for recognition in 14 days, and if it missed that deadline, it would have a union. So it changed that dynamic a bit.

Also really changed the world of what occurs if there are alleged unfair labor practices during a union campaign, which really changed what bargaining orders, where traditionally there's a case called *Gissel* that's been around forever that held that where there were really bad unfair labor practice charges, usually cumulative ones that stacked on top of each other, the Board could say that no fair election could be held at that employer and it would it would issue what's called a bargaining order. It'd basically say that “We're never holding a secret ballot election, this employer has a union and has an obligation to bargain.” *Cemex* really ratcheted down the *Gissel* standard, and basically any unfair labor practice charges could result in a bargaining order.

And listen, I mean, no employer should commit an unfair labor practice during a campaign. We're not, obviously that's not what they should do and the advice that they should receive. But a lot of allegations occur about what's said and what occurs, and there's sometimes a fine line between what's lawful and isn't lawful. And so it really ratcheted up the standard of conduct that needs to occur as employees are getting ready to vote in a union election.

Rich Meneghello (22:53)
Yeah, okay. Let's break out the Balonick meter one more time. What are the chances of *Cemex* getting an overturn?

Brian Balonick (22:59)
Cemex is going to get overturned. I don't think there's any question about that. Whether we return back to pre-Biden or not, I don't know. Or if there's a whole new concept that comes out. I mean, there's an interesting political dynamic right now in Washington, DC when it comes to labor law, that there is a lot of bipartisan support for labor law reform. And this could be an area where they use rulemaking as well, Rich. You know, we talked about rulemaking early on in the discussion, I think, elections and how elections are run could be an area that's ripe for rulemaking.

Rich Meneghello (23:32)
There you go. Okay. We'll keep an eye out for that one, for sure.

Okay, and then our fifth and final thing, there are also fights about process, issues that deciding even who gets to vote and when, and those also could get flipped on their heads. So the first thing I want to talk about in this area briefly, Brian, is about micro-units. Why does the size of a bargaining unit matter so much to employers? What are micro-units? Give us a lay of the land about that.

Brian Balonick (24:03)
So the idea of a micro-unit is a small group of employees amongst a large group of employees that want to form a union. Under the law, there's this idea that to form a union, employees have to have *an* appropriate bargaining unit. Not the *most* appropriate bargaining unit, but *an* appropriate bargaining unit. And so typically what that means is it's a group of employees at a single work site that share similar terms and conditions of employment: they do the same thing, they make the same amount of money, generally they have the same benefits.

What we've seen in the Biden administration is this move back to micro-units. And this is one of those pendulum swings that the Obama Board really started. Trump won change and it changed again the Biden administration and how those micro-units are viewed. So the idea would be that if somebody has a five-hundred-person manufacturing facility and there's a particular line that has 50 employees in that group that maybe they want to form a union and the rest of the rest of the workforce does not. So, you know, practically it's typically easier for unions to have success in smaller bargaining units.

Rich Meneghello
Like cherry picking?

Brian Balonick
Like cherry picking, sure. I think on the flip side for employers, there's sort of this idea of having, you know, a disjointed workforce, a workforce that has a small group that's in a union that has particular terms and conditions of employment versus a larger group working side by side, sometimes doing a very similar job that with different terms and conditions of employment makes it harder to manage from an HR perspective. And so I think that's sort of the reason why unions have favored this view of micro-units versus how employers have been more, have wanted to look at the traditional community-of-interest standard, which was the standard for many years.

And you know, the view that the Board would look at when it was determining who got to vote in an election and who did not get to vote is whether they shared a community of interest with the employees that the union was seeking to represent.

Rich Meneghello (26:04)
Yeah, okay. And what are your predictions about this one, about micro-units being overturned? Scale of one to a hundred.

Brian Balonick (26:10)
Put this one at seventy-five, Rich. You know, I think that this pendulum has swung back and forth. I don't think this is necessarily as high of a priority. I think it could, if the right case gets in front of it, I think we could see a return to a more traditional community-of-interest standard.

Rich Meneghello (26:28)
Okay. What about quickie election rules? Heard about this one a lot. I feel like this is another one that employers run into a bunch. Tell us about what quickie election rules are and your views about whether they'll get overturned too.

Brian Balonick (26:41)
This is a pendulum swing, Rich. It'll definitely get changed. This is typically done through rulemaking. It sort of tightens the time frame between when a petition is filed versus when employees actually vote. Unions usually want that vote to be held in a quicker time frame than employers do. Employers want more lead time so that employees get an opportunity to learn about the decision that they're making and make an informed decision. Traditionally that was about 42 days, about six weeks. In the Obama administration, that time frame tightened to under 21 days, changed back again more towards the 42 days, and then tightened up again during the Biden administration. I fully expect that to return to what we've seen, the traditional sort of six-week standard between petition and the actual election.

Rich Meneghello (27:32)
Okay. And you hinted at it, you said this will get overturned. That's a hundred percenter.

Brian Balonick (27:37)
Hundred percenter.

Rich Meneghello (27:39)
All right. I appreciate you going out on the line for these, Brian.

Brian Balonick (27:42)
I mean, if history is any indicator, Rich, this is what happens. And I think we said at the beginning. I mean, I don't really think these are that bold of predictions because we see it, you know, and every time there's a change in administration. And one thing I just comment for your listeners, like it's often interesting to read dissents when, and I think in this administration, reading David Prouty's, the one Democrat on the Board. One could say, "Poor David Prouty is gonna be this lonely Democrat, you know, voting against everything that the Board does." But his dissents will be important, just like Republican dissents, Marvin Kaplan's dissents were important during the Biden administration. Because if the party, if the White House changes hands again in '28, I can guarantee you, like it will

put that prediction at 100% again, that a lot of these same cases that we're talking about will get overturned. And if you want to know how they're going to get overturned, you can read David Prouty's dissenting opinions. So he does have, even though he's the lone Democrat, he does have a very important voice on the Board.

Rich Meneghello (28:42)
All right. So Brian, my promise to you is if the White House shifts back to a Democrat in 2028 that we will have you on again in 2029 to talk about your predictions again, about whether these will get flipped back. How's that?

Brian Balonick (28:56)
Happy to do it. And I'm gonna bring David Prouty's dissenting opinions with me to inform your audience about what will happen.

Rich Meneghello (29:02)
Alright, it's a date.

Well, Brian, that'll wrap up the five things that we needed to talk about related to the National Labor Relations Board, but I want to shift now and talk about five things about you so the audience gets to know you a little bit better. Are you ready for our five questions about you?

Brian Balonick (29:22)
Let's do it.

Rich Meneghello (29:22)
Okay. What's one place that you would go to tomorrow if someone handed you a plane ticket that could take you anywhere?

Brian Balonick (29:29)
A trout stream in Montana.

Rich Meneghello (29:33)
That would have to be like a plane ticket. Are you gonna like land on one of those seaplanes right on the river?

Brian Balonick (29:38)
No, no, there's airports, you know, Missoula or Bozeman, one of those, either one. I've been to both of them and it's my favorite place to go. I've had opportunities to go there quite a few times and it's just my favorite place, the whole state. I've had great experiences there and I love going there. Can't wait to get back.

Rich Meneghello (29:55)
Well, that's a nice little romantic notion when we open the Fisher Phillips Montana office, I know who the Regional Managing Partner will be.

Brian Balonick (30:01)
Exactly. That's my hope. That's my long-term plan.

Rich Meneghello (30:05)

I have some pull in this law firm too, Brian. Trust me, I can make it happen if you want.

Brian Balonick (30:10)
All right, let's do it.

Rich Meneghello (30:12)
Second, what was your first ever job?

Brian Balonick (30:15)
I was a dishwasher at the Parkway Tavern in Monroeville, Pennsylvania. It was a neighborhood restaurant right down the street from where I grew up. My parents put me to work there when I was probably thirteen. And I worked there for about six years.

Rich Meneghello (30:30)
Wow.

Brian Balonick (30:31)
But the first part was washing dishes and it was it was not fun.

Rich Meneghello (30:35)
When's the last time you've been back to their restaurant?

Brian Balonick (30:38)
It closed about I would say a decade ago. But I used to go every Wednesday night before Thanksgiving, you know, I'd go back to my mother's house and I'd always stop in because it was like a neighborhood hangout. So it's sad that it closed.

Rich Meneghello (30:56)
Love it. That's a sweet memory. Third question: What is the best thing about living in Pittsburgh?

Brian Balonick (31:02)
Well, there's a lot, but I you know, I really think it's the people here. I mean, it's such a friendly city, has a great vibe, there's a good sense of community. And most people that were born in Pittsburgh don't really leave Pittsburgh. So, you know, it's not, when you run into somebody in town, you quickly ask them where they went to high school, and typically you have a list of a dozen people that you have instant common friends right away. And so, I was born here and haven't ventured too far really for that reason.

Rich Meneghello (31:36)
I thought people didn't leave because if they tried to leave, no one else outside of the country can understand what you're saying with your accents. I thought that was the reason.

Brian Balonick (31:44)
Yeah, I that's another part of it too. We do we certainly have our own dialect and you probably hear mine as we're talking, but it it's unique.

Rich Meneghello (31:52)
Oh it is. Two of the members, ironically, of my content team are from Pittsburgh and occasionally their accents occasionally slip out and it's quite a, quite a ride. I love it.

Brian Balonick (32:02)
Yeah. And we have a couple, you know, we have like some peculiar terms that we use too, like *gumbands* for rubber bands. *Slippy* when a sidewalk, you know, has ice on it. It's not slippery, it's *slippy*. There's certainly some Pittsburgh terms.

Rich Meneghello (32:19)
I need to spend more time in the Pittsburgh office and pick up on this. I love it.

Fourth question: When you're driving: music, podcast, or silence?

Brian Balonick (32:27)
Well, never silence. I can tell you that for sure. And then it's really a mixture of music, podcasts, and audiobooks. And some of that might depend upon who's in the car with me. If it's with my kids, it's music, because they don't want to listen to my podcasts or audiobooks. So it kind of depends on my mood, if I need some relaxation or you know, what I'm interested in. So it's a mixture of all, but never silence.

Rich Meneghello (32:52)
Yeah. All right. Okay, fifth and final question and then we'll let you go. What is something that you are surprisingly competitive at?

Brian Balonick (32:59)
Well probably the most surprising would be competitive shotgun sports, trap shooting and skeet shooting. I have a lot of other competitive pursuits besides practicing law; golf and other sports, but that's probably the one to be the most surprising.

Rich Meneghello (33:15)
All right. Well, Brian, thanks so much for being on. That's all the time that we have on this week's episode. We really appreciate you making what we consider to be bold predictions. It's hard to get lawyers to ever commit to a hundred percent on something, so thanks for sticking your neck out on those.

Brian Balonick (33:32)
Yeah, Rich, great to be with you. Always love to talk about the National Labor Relations Act, so it was a lot of fun. Thanks so much.

Rich Meneghello (33:40)
And thank you out there for listening to The FP 5. We've got a link to ten predictions that our labor team has made about rules and cases they believe will be overturned, plus a lot more about what's ahead for the NLRB. They're available in our show notes. We will see you next week.

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