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Ex-NLRB Member Hirozawa Settles Back At Gladstein Reif

By **Vin Gurrieri**

Law360 (September 25, 2018, 8:09 PM EDT) -- Former National Labor Relations Board member Kent Hirozawa, whose term expired two years ago, will return to Gladstein Reif & Meginniss LLP, the union and worker-side firm where he spent nearly two decades prior to joining the board, the firm announced Tuesday.

Hirozawa was **tapped for a seat** on the NLRB in 2013 by President Barack Obama after having spent about three years as chief counsel to then-NLRB member and board Chair Mark Gaston Pearce. Hirozawa's term as a board member expired on Aug. 27, 2016.

Prior to holding those positions at the NLRB, Hirozawa spent more than 20 years at Gladstein Reif, where he represented unions, workers and employee benefit funds. He will rejoin the firm as a partner and says his practice will be similar to the practice he had before he decamped for Washington, D.C.

"I've always enjoyed representing workers," Hirozawa told Law360 in an interview Tuesday, while adding that his time at the NLRB "was a huge learning experience."

"I have a much more detailed idea of how things work at the board," he said. "So, for purposes of practicing before the board, obviously that's useful."

Hirozawa also said he gained "a deeper appreciation for the political side of policymaking" by watching the process "up close, not just at the board but in other places in Washington."

In addition to Hirozawa, Gladstein Reif also announced Tuesday that it had added long-time union-side lawyer Michael Winston as a partner.

Winston, who received his law degree from Rutgers Law School, began practicing at the firm in May after spending more than two decades as a partner at Cohen Weiss and Simon LLP, where his practice focused on representing unions, particularly those in the transportation industry.

During his time as a board member, Hirozawa voted in the majority on a series of controversial decisions that shifted board precedent in a direction that was seen by many NLRB observers as being **more favorable to workers and unions**.

Among those, Hirozawa was part of the 3-2 majority that issued a 2015 decision in Browning-Ferris Industries of California that eased the NLRB's standard for determining when businesses are joint employers.

He was also in the majority in a 3-1 decision in 2016 involving Columbia University that found that



Kent Hirozawa



Michael Winston

students who work as teaching and research assistants **qualify as employees** who can unionize under the National Labor Relations Act.

And he was part of a 3-2 NLRB majority that in late 2014 approved a rule revamping and streamlining the union election process. Although organized labor supported the overhaul, critics of the regulation derided it as the “ambush election” rule.

The current iteration of the NLRB, which includes a trio of Republicans appointed by President Donald Trump, recently **sought public feedback** as to whether the union election rule should be modified or rescinded and recently **drafted a rule** to clarify the joint employer test that would roll back the Browning-Ferris standard.

Speaking about the union election regulation, Hirozawa said that it’s “not clear what’s going to be proposed,” but added that “by all accounts the modernized procedures have been working well.”

“So, we’ll just have to see, but I think it’s too soon to tell about that,” he said.

Although Gladstein Reif made its official announcement that Hirozawa joined the firm on Tuesday, it told Law360 that he began slowly phasing back into the firm in late 2017 after having spent the past several years since his departure from the NLRB in academia.

More specifically, he served as a visiting scholar at New York University School of Law and taught labor law at the City University of New York School of Law, according to the firm.

Hirozawa earned his law degree from the New York University School of Law, and obtained his undergraduate degree from Yale University.

--Editing by Jack Karp.