

THE CNA INSIDER

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Clemans Nelson Celebrates 50 years

Clemans Nelson was proud to celebrate 50 years of service with a special anniversary open house surrounded by the people who have helped make this milestone possible - our valued clients, colleagues, friends, and family. For five decades, Clemans Nelson has been committed to providing trusted guidance, valuable resources, and exceptional service to the employers and organizations we have the privilege of working with. Our 50th anniversary is not only a celebration of where we've been, but also an opportunity to look ahead to the future. The open house was a wonderful time to reconnect with longtime clients and friends, welcome new faces, share memories, and celebrate the relationships that have been at the heart of Clemans Nelson for the past 50 years. We are incredibly grateful to everyone who has been part of our journey. Thank you for 50 years of trust, partnership, and support. Here's to celebrating the past and looking forward to the next chapter!

Top News

Amy Kronenberger introduces you to our President and CEO

Loren Hire talks about new NLRB Developments

Are your weather policies up to date? Monica Williams offers some timely insights



President and CEO Brian Butcher Welcomes Guests

Meet our President and CEO



Mr. Butcher joined Clemans Nelson in 2007, the same year he graduated from Capital University Law School and passed the bar exam. Nineteen years later, the relationships he has built with colleagues and clients are still at the heart of his work. Some clients have been with him from the beginning, giving them the chance to grow, learn from one another, and build lasting partnerships. That same continuity is part of life inside the firm, where low turnover has helped colleagues form strong, long-term working relationships.

Since becoming President and CEO in 2020, Mr. Butcher has kept those relationships front and center. Through team-building events, social activities, and an open-door approach with employees and clients, he has helped create a close-knit culture. Those connections have had a lasting impact: several former clients joined Clemans Nelson after retiring, thanks in part to the relationships they built with Mr. Butcher and their respect for him.

Passing on his Passion

One reason Mr. Butcher enjoys teaching at Franklin University is the range of experiences his students bring to the classroom. He especially appreciates Franklin's largely nontraditional student body, people who are working to improve their lives while often juggling full-time jobs and family responsibilities.

"I really respect the values and the kind of work effort that it takes for somebody who's a professional or has a family to try to better themselves," he said.

Mr. Butcher has taught at Franklin as an adjunct professor since 2013. His graduate and undergraduate courses have covered human resources, labor relations, compensation, and employee rights, responsibilities, obligations, and discipline. He has also taught for several semesters at Southern Illinois University School of Law.

Looking Ahead



Clemans Nelson has built its reputation on attentive, personalized service and a focused, collaborative approach. As the firm looks ahead, that same thoughtful approach will guide its plans for growth.

"I personally think we have as good a team as we've ever had," he said. He would like to build on that success and possibly expand Clemans Nelson geographically, "provided that it makes sense operationally."

The firm is taking its time by researching new markets, looking for areas where its services are needed, and gradually testing the waters. Clemans Nelson has recently worked in Virginia, Michigan, Pennsylvania, and California, with potential opportunities on the horizon in Nashville.

“I would like for us to grow from kind of a statewide niche firm to potentially a regional or even national firm in some respects, but it’s just got to make sense,” he said.

No matter how the firm grows, Clemans Nelson will stay focused on people by building new relationships, strengthening existing ones, and putting clients first. When asked what comes to mind when he thinks of Clemans Nelson, Mr. Butcher named family, teamwork, relationships, and loyalty. Those values have shaped the firm’s success and will continue to guide it in the years ahead.



Finding Balance

Between family life, running a company, supporting clients, and teaching at Franklin University, not to mention the occasional speaking engagement or round of golf, President and CEO Brian Butcher has plenty to keep him busy.

Mr. Butcher does not claim to have a special formula for balancing it all. In fact, he describes his life as “24/7 chaos.” He credits much of what he is able to do to the support of Whitney, his wife of 14 years. “My wife is a true partner,” he said. “She manages our homelife and instills values in my three boys so I can have a fun job and work with great people.”

Together with their sons, Brooks, 8; Lachlan, 6; and Jamie, 10 months, they take on life as a team and are ready for whatever comes next.



Did you know that Clemans Nelson offers payroll services specializing in ADP?

Upcoming in our Webinar Series:

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- November 18th – Workplace Goal Setting
- December 9th – That’s a Wrap! Finishing the Year Strong

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Developments within the NLRB

By Loren Hire, Esq.

Recent developments within the National Relations Labor Board (“NLRB” or the “Board”) signal that shifts in labor law and overturning of precedent could be coming.

The NLRB recently gained a 3-1 Republican majority. James Macy (R) and David Prouty (D) were confirmed by the Senate on August 7, 2026. This will be Prouty’s second five-year term on the Board. The other two current Board members are Republicans James Murphy and Scott Mayer. The Board has a three-member quorum, so with a three-person Republican majority, the Board can now overturn precedent without bipartisan agreement. One seat still remains vacant.

Additionally, on August 26, 2026, General Counsel Crystal S. Carey issued a new memorandum providing guidance on her priorities and positions. General Counsel Carey was appointed by President Trump and began her tenure as General Counsel in January of 2026. In her new memorandum, General Counsel Carey expresses a desire to overturn numerous Biden-era cases, including the following:

·McLaren Macomb, 372 NLRB No. 58 (2023) – Severance Agreements

The NLRB ruled in McLaren Macomb that severance agreements cannot require employees to agree to broad waiver provisions that would chill the exercise of an employee’s rights under the National Labor Relations Act (“NLRA”). Specifically, the NLRB took issue with non-disparagement and confidentiality clauses that could preclude an employee from complaining about an employer’s NLRA violations or other working conditions, assisting former coworkers, speaking with a union, speaking with legal counsel, or speaking with the NLRB.

·Stericycle, 372 NLRB No. 113 (2023) – Work Rules

Stericycle addresses work rules, creating a new standard for when a work rule violates the NLRA. Under Stericycle, the NLRB established a presumption that a work rule is unlawful if it could be interpreted to limit employees’ NLRA rights, from the perspective of someone who is economically dependent on the employer and considers engaging in protected activity. An employer can overcome the presumption by showing that the rule advances a legitimate and substantial business interest that could not be accomplished by a narrower rule.

Stericycle replaced The Boeing Co., 365 NLRB 154 (2017), which established a balancing test for determining the validity of work rules, weighing the business needs for the rule against the tendency of the rule to restrict employee rights. Boeing overturned Lutheran Heritage Village-Livonia, 343 NLRB 646 (2004), which held that a rule was unlawful if an employee could reasonably construe the rule as limiting their rights under the NLRA.

If General Counsel Carey is successful in arguing to the NLRB overturn Stericycle, we could see yet another standard for determining the validity of work rules.

Developments within the NLRB – Continued

·Amazon.com Services LLC., 373 NLRB No. 136 (2024) – Captive Audience Meetings

In Amazon.com Services LLC, the NLRB ruled that “captive audience” meetings are unlawful. Captive audience meetings are mandatory meetings held by employers to discuss unionization. General Counsel Carey noted that she would like the NLRB to reinstate Babcock & Wilcox, 77 NLRB No. 577 (1948), which permitted captive audience meetings as an expression of employer free speech.

·Cemex Construction Materials Pacific, LLC, 372 NLRB No. 130 (2023) – Bargaining Orders

The NLRB’s decision in Cemex created a new framework for the recognition of unions. The Cemex decision provides that when a union requests recognition based on majority support (via authorization cards/employee signatures), the employer must voluntarily recognize the union or file a petition for an election. Before Cemex, if an employer declined to voluntarily recognize the union, the burden fell to the union to file for an election.

Further, Cemex changed the remedy available to a union if the NLRB finds that an employer committed an unfair labor practice (“ULP”) during an organization campaign. Previously, the standard remedy was a rerun election. The NLRB could also issue a more extraordinary and rare remedy known as a bargaining order under Gissel Packing Co., 395 U.S. 575 (1969), wherein, even if the union lost the election, the NLRB could certify the union and order the employer to bargain without a rerun election. Gissel bargaining orders are only used when a union can show it had majority support at one time and the employer’s misconduct was so serious that a rerun election would be an insufficient remedy.

In Cemex, the NLRB shifted the default remedy. If an employer commits any ULPs during an organization campaign, the NLRB can issue a bargaining order instead of ordering a rerun election.

In March of 2026, the Sixth Circuit Court of Appeals rejected the Cemex standard. The Ninth Circuit later upheld the decision on Gissel grounds, declining to address the validity of the new Cemex bargaining order standard.

Additional cases that General Counsel Carey would like the Board to overturn or revisit include:

- Metro Health Inc. d/b/a Hospital Metropolitano Rio Piedras, 373 NLRB No. 89 (2024)
- Siren Retail Corp. d/b/a Starbucks, 373 NLRB No. 135 (2024)
- Tesla, Inc., 371 NLRB No. 131 (2022)
- Endurance Environmental Solutions, LLC, 373 NLRB No. 141 (2024)
- Wendt Corporation, 372 NLRB No. 135 (2023) and Tecnocap, LLC, 372 NLRB No. 136 (2023)
- UFCW Local 700 (Kroger Limited Partnership), 361 NLRB 420 (2014), vacated, 825 F.3d 778 (D.C. Cir. 2016)
- Miller Plastic Products, Inc., 372 NLRB No. 134 (2023), vacated in part, 141 4th Cir. 492 (3d Cir. 2025) and Lion Elastomers, LLC, II 372 NLRB No. 83, (2023), vacated and remanded, 108 F.4th 252 (5th Cir. 2024)
- Valley Hospital Medical Center, Inc., 371 NLRB No. 160, (2022), enfd., 93 F.4th 1120 (9th Cir. 2024)
- Thryv Inc., 372 NLRB No. 22 (2022), vacated in part, 102 F.4th 727 (5th Cir. 2024)

Are you signed up for our upcoming seminar **The Year End Evaluation Workshop Employers Actually Need?** Mark your calendars for December 7th, 10am – 2:30pm and visit our website at www.clemansnelson.com for more information!



Addressing Inclement Weather Policies By Monica Williams

As the weather cools and the leaves change, preparing for the upcoming winter is essential. Now is a great time to make sure your organization's policy manual has updated weather-related policies. Effective weather policies help protect employees, provide clear expectations, and maintain services.

A weather policy should clearly state its purpose and scope. The policy should identify the responsibilities for supervisors, managers, and employees. It should also define the different types of weather events covered, including severe storms, flooding, tornadoes, extreme heat, snow, and ice events. Providing clear expectations for compensation and leave use is essential for a weather policy.

When severe weather occurs, it is very important to keep employees informed and up to date with accurate information. Employers should maintain multiple communication channels, including email alerts, text notifications, employer portals, and social media platforms. Employees should know where to find updates regarding office closures, reporting requirements, and emergency assignments.

Weather-related policies and procedures should identify essential personnel who may need to be available to continue providing services for the Employer. The policy should clarify reporting expectations and address compensation practices for these assignments.

As the warm weather starts to fade away, strong weather policies help Employers remain resilient. By prioritizing employee safety, maintaining clear communication, and planning for operational continuity, Employers can continue serving their communities while protecting their workforce.