

NLRB Reissues Rules to Expedite and Streamline Representation Elections

February 6, 2014

The National Labor Relations Board has moved quickly to reissue proposed representative election rules identical to the rules the board proposed in 2011.

Last month, the NLRB rescinded the original proposal, which had been struck down by a U.S. District Court judge because it had been passed without a board quorum. On February 6, 2014, the board, now with a full complement of Senate-approved members, reissued the same proposed rules, which won't be subject to the same quorum challenge.

Some major changes offered in the proposed amendments include:

- Defer litigation of most voter eligibility issues until after the election
- Require parties to identify issues and describe evidence soon after an election petition is filed to facilitate resolution and eliminate unnecessary litigation
- Consolidate all election-related appeals to the NLRB into a single post-election appeals process and thereby eliminate delay in holding elections currently attributable to the possibility of pre-election appeals
- Make board review of post-election decisions discretionary rather than mandatory.

Public comments concerning the proposed amendments will be accepted until April 7. The board is likely to hold a required formal public hearing that week. New challenges are expected amendments and, as always, we will keep you informed.