



NLRB Concerned It May Lose Quorum; Will Vote On Proposed Election Procedure Rule Amid Signs Of Board Member Conflict

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By Chris Johlle

We have written in the past about the National Labor Relations Board's **proposed rule** to streamline the union election process. On November 18, the NLRB announced that it has scheduled a vote for November 30 on whether to adopt only portions of the proposed rule and to defer the rest of the proposed changes for further consideration. In a **press release**, the NLRB explained that it was moving forward on portions of the proposed rule due to the possibility that it may soon lose a quorum when Member Becker's recess appointment expires at the end of the current congressional session. The NLRB's press release claims that the November 30 proceedings will be limited to consideration of several provisions designed to reduce unnecessary litigation in the election process.

There are signs of a heated dispute among Board Members regarding the planned November 30 proceedings. Member Hayes, who dissented to the publication of the proposed rule and who is the lone Republican on the NLRB, has claimed that he has been denied the opportunity to review the draft of the final election procedure rule that will be the subject of the November 30 proceeding. Hayes also charged that Chairman Pearce and Member Becker appear on course to breach the NLRB's internal rules in the promulgation of a final rule. In response, Chairman Pearce chastised Hayes for airing the internal dispute and accused Hayes of misstating the facts and mischaracterizing the Board's actions.

We will continue to monitor the NLRB's actions regarding the proposed rule and will provide updates as relevant developments occur.

More Information

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