



# NLRB Union Election Rule Found Invalid

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On May 14, 2012, the U.S. District Court for the District of Columbia struck down the National Labor Relations Board's (NLRB) new rules governing union elections by finding that the NLRB did not have the three member quorum necessary when it considered and voted on the new rules in December 2011.

As a result, the NLRB has temporarily suspended the implementation of changes to its representation case process and has advised regional directors to revert to their previous practices for election petitions starting today.

The NLRB could appeal this ruling, or could remedy the situation by re-enacting the rule with a three member quorum. It is unlikely that this snap election issue is dead.

Having gone into effect on April 30, 2012, the rule's primary objective was to substantially reduce the period of time between the filing of a union representation petition and an election. Under the rule, employers would no longer be entitled to a hearing before the election on most issues, and even in cases where a hearing took place, the election would take place more quickly after the hearing than under the prior system. Approximately 150 election petitions were filed during the small window in which the new rule was in effect.

For more information, please contact a member of the Employment & Labor Group .