

[Subscribe to List](#)[View Past Issues](#)[RSS](#)[translate](#)[+1](#)[Like](#)[Comment](#)

US District Court Puts Brakes on New NLRB Quickie Election Rules

## The Bennett Law Firm

### *Client Update*

Trusted Advisor to Management for 50 Years

Labor Relations ~ Employment Law ~ Business Litigation



## UNITED STATES DISTRICT COURT PUTS BRAKES ON NEW NLRB QUICKIE ELECTION RULE

NLRB Efforts to Increase Win Rates for Unions Stalled,  
not Halted.

**As we reported last week, the National Labor Relations Board (“NLRB”) implemented a new election rule, effective April 30, 2012, in an effort to help unions grow their membership. The new election rule gave unions an increased chance of winning representation elections by considerably shortening the campaign period and by blunting the opportunities an employer had to defend a representation petition. Less response time between petition and election favored unions and put increased pressure on employers to effectively respond to a union’s organizing efforts in as little as 17 days after the filing of a petition.**

**As we also reported last week, the U.S. Chamber of Commerce filed a lawsuit in the United States District Court for the District of Columbia challenging the enforceability of the new rule. On May 14, 2012, the U.S. District Court struck down the new election rule on technical grounds, holding that the NLRB did not have a lawful voting quorum at the time of the rule’s passage.**

[Subscribe to List](#)[View Past Issues](#)[RSS](#)[translate](#)[+1](#)[Like](#)[Comment](#)

itself – only the process by which it was passed. Because the Court declined to rule on the substance of the rule itself, there is nothing to prevent the NLRB from again adopting the rule but this time in the presence of a quorum. Any attempt on the Board's part to reinstitute the rule will trigger renewed litigation. Therefore, it is not clear yet what action the NLRB will take in response to this decision. In a press release issued this afternoon, the NLRB indicated that it would suspend implementing the new rule while it considers its options.

The NLRB has not had much success recently in federal court. In addition to this most recent loss, we also reported in April about the United States District Court for South Carolina's invalidation of the NLRB's new rule requiring employers to post oversized notices regarding employees' right to organize. That decision is on appeal to the Seventh Circuit Court of Appeals.

If you need assistance in preparing a proactive employee relations plan or responding effectively to a representation petition, please contact Peter Bennett ([pbennett@thebennettlawfirm.com](mailto:pbennett@thebennettlawfirm.com)) or Rick Finberg ([rfinberg@thebennettlawfirm.com](mailto:rfinberg@thebennettlawfirm.com)). Our union avoidance programs have a near perfect success rate.

Offices in:

Boston, MA & Portland, ME

(617) 973.1550 & (207) 773.4775

Mailing Address:

P.O. Box 7799, Portland, ME 04112

[follow on Twitter](#) | [friend on Facebook](#) | [forward to a friend](#)

Copyright (C) 2012 The Bennett Law Firm - All rights reserved.

Subscribe to List

View Past Issues

RSS

translate



+1



0  
Like

Comment

---

Sent to [eric@sebago.net](mailto:eric@sebago.net) — [why did I get this?](#)  
[unsubscribe from this list](#) | [update subscription preferences](#)  
The Bennett Law Firm, P.A. · P.O. Box 7799 · Portland, ME 04112-7799

