

NLRB Holds Back on “Quickie” Election Rules Modification Amidst COVID-19 Crisis

Alert

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The National Labor Relations Board (NLRB) announced it will defer implementation of its [new election rules](#) for 45 days (pushing the effective date back from April 16 to May 31, 2020). The Board also cancelled all union representation elections through April 3, 2020—a decision made in response to the “extraordinary circumstances related to the COVID-19 pandemic.”

The rule’s implementation was already likely to be delayed pending the AFL-CIO’s lawsuit against the NLRB alleging that the Board violated the Administrative Procedure Act by foregoing public notice and comment before issuing the final rule. The lawsuit will continue to move forward, potentially causing further postponement.

Delay of this rule means employers will have to continue to adhere to the current “quickie” election rules (once the NLRB starts scheduling elections again), while at the same time juggling all manner of hardships arising out of the COVID-19 pandemic.

Now more than ever it will be important for employers to understand their work climates and the key factors that may make them susceptible to union organization, and work to maximize positive employee relations.

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