

## Labor and Employment Alert: Hayes Stays: NLRB Moves Forward with Election Rule

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The NLRB headed into a public vote today over a proposed rule on election procedures summarized yesterday on the [Vorys on Labor blog](#). It did so without assurances that one of its members, Brian Hayes (R), would be present. While tensions were high, Hayes did attend the meeting and the NLRB voted along party lines, 2-1, to move forward with the slimmed down, but still controversial, election rule proposal. As the lone dissent, Hayes again made it clear that he opposed the short time frame for elections under the proposal. Despite that opposition, the final language of the rule will now be drafted for another NLRB vote before it goes into effect.

Although there was information suggesting that Hayes was seriously considering resigning in an effort to eliminate the NLRB's power to move forward on the proposal, he has apparently decided against resignation. Hayes explained at the meeting that "[it is not my nature to be obstructionist](#)." Further, he believed that "[resignation would cause the very same harm and collateral damage to the reputation of this agency](#)" as the rule changes the majority voted to advance.

With Hayes staying put, labor professionals should stay alert for the final language of the rule, as it is certain to have a impact on employer policies. Nor should labor professionals expect any legislative change from Congress that would trump the administrative rule. Although the U.S. House [voted today](#) to approve legislation that would do so, the prospects of that legislation [appear dim](#) in the Senate.

Read more from the [Vorys on Labor blog](#).