

## Final Nail In The Coffin For Quickie Election Rule?

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**Keith J. Brodie**  
Partner

In yesterday's Federal Register, the NLRB [published a final rule notice](#) officially rescinding the "quickie election" rules which were held to be invalid by the D.C. District Court in May 2012. As we [previously have covered](#), the new rules made significant changes to the timing and procedure of union elections. The D.C. District Court held that the rules were invalid because the Board lacked a quorum when issuing the rules. The NLRB appealed that decision to the D.C. Circuit, but [in a surprising move last month](#), voluntarily dismissed its appeal. As part of that dismissal, the NLRB was required to revert back to the prior version of the rules, which yesterday's Federal Register notice accomplished. While this seems to be the final demise of the quickie election rules, opponents of the rule shouldn't be too quick to declare this one a win. The reasoning of the D.C. District Court in holding the rules invalid was based on a procedural technicality, not the substance of the rules itself. Because of this, there is nothing stopping the NLRB from simply proposing the quickie election rules again and making sure it gets its procedure right this time. The NLRB has made no public comment on its future plans for rule-making in this area, so whether the quickie election rules survive to live another day is anyone's guess. See all of our previous coverage on this issue [here](#).

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