

Strategic Resignation By Member Hayes May Derail Scheduled Board Vote On “Quickie Election” Rules

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One of the Board’s more controversial moves this year was the proposal of [new rules](#) to expedite the representation election process, allowing so-called “[quickie elections](#).” After a two-day hearing in July and more than 65,000 written comments received, the Board has [scheduled a vote](#) tomorrow on whether to adopt new rules.

It’s not exactly clear, however, just which proposed rules the Board intends to vote on. The Board’s [press release](#) says that the November 30 vote is planned on “a small number of the amendments to its election procedures that the Board proposed earlier this year,” but there is no indication which of the proposed changes the Board intends to vote on.

Complicating matters further, there has been a significant amount of speculation over the last few days about whether the sole Republican member of the Board, Brian Hayes, will resign prior to the vote. Member Hayes has already indicated his disapproval of the vote in a [letter](#) to U.S. Rep. John Kline, Chairman of the House Committee on Education and the Workforce, sent last week. If he resigns, he would leave the Board with only two members and lacking a quorum under the U.S. Supreme Court’s [New Process Steel](#) decision. Presumably under such a scenario, any vote taken by the remaining two Board members would not be effective.

Whether or not Member Hayes determines that such a drastic step is necessary to prevent the vote is still up in the air. Either way, it’s shaping up to be a very interesting week at the National Labor Relations Board. Stay tuned.

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