

## National Labor Relations Board Suspends All Union Representation Elections (US)

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In yet another sign of the impact of the COVID-19 pandemic, on March 19, the National Labor Relations Board (NLRB or Board) announced that all representation elections – secret ballot elections held to determine whether employees wish to be represented by a labor union – are suspended, including mail ballot elections, until April 3, 2020. The Board’s announcement to suspend elections cited the health and safety of NLRB employees and members of the public involved in the election process, as well as limitations on the Board’s ability to conduct elections given the closure of several Regional Offices due to employee coronavirus exposure (Chicago, Cleveland, Detroit, Manhattan, and New Orleans) and because it has instructed all NLRB personnel to telework.



Regular readers of our blog will recall that in 2015, the NLRB implemented substantial changes to process by which employees vote in secret ballot elections. These changes were largely geared towards accelerating the timeline associated with representation case proceedings, and to ensure that secret ballot elections occurred as soon as possible, in most cases, not less than six weeks after the initial filing of an election petition (resulting in the rules being referred to as the “ambush election” rules). Although the current Board recently changed the representation case rules yet again, relaxing timelines to a certain extent, the NLRB’s desire to conduct prompt elections remains one of its most longstanding policy goals. Against that backdrop, the suspension of all elections, and the attendant

delay associated with that suspension, demonstrates how remarkable an impact the current coronavirus pandemic is having in the labor relations context. We will update with any further developments.

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