

# Judge nixes NLRB request to reverse union election rule

WASHINGTON, D.C. (PAI) — A federal district judge has turned down the National Labor Relations Board's (NLRB) request to reconsider his prior ruling killing the Board's rule making union recognition elections fairer and more efficient.

The rejection by District Judge James Boasberg was cheered by the Chamber of Commerce and the National Association of Manufacturers, which sued to stop the rule from taking affect.

And it left the Board pondering its next move in the controversy.

Boasberg threw out the rule earlier this year because, he decided, the NLRB lacked a quorum when it passed the measure last Dec. 16. The Board's two Democratic members voted for the rule, but its lone Republican, Brian Hayes, neither opposed it nor abstained. He simply didn't vote.

The NLRB's rule would deprive businesses of time they use for some procedural tricks to delay and deny workers the right to vote on whether to unionize. It would consolidate hearings, mandate that hearings on voter eligibility be after the vote, and set a time limit for objecting to election procedures, among other

things.

Hayes' non-vote deprived the NLRB of its required three-member quorum for a decision on the rule, Boasberg said.

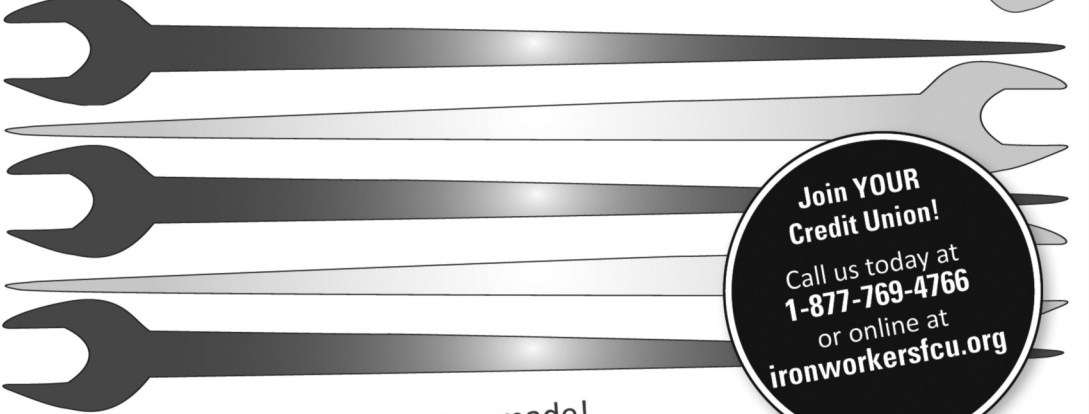
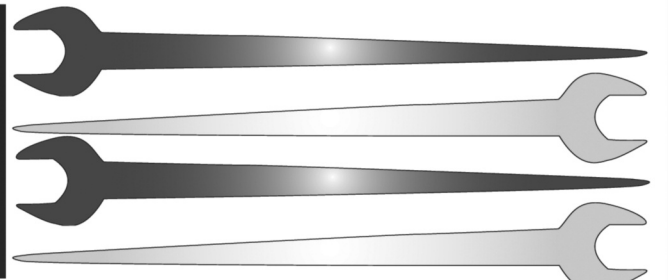
That's despite new evidence the NLRB introduced at the rehearing about how its electronic "voting room," involving all three Board members, works — and showing that Hayes voted on everything else electronically on Dec. 16.

The Board even noted that Hayes wrote a dissent against the rule when it was sent for official publication. Boasberg replied that Hayes, like the other Board members, was under the "misimpression" that the rule passed and should be published. But Hayes didn't vote on it, so the rule wasn't legally passed, the judge said.

"Hayes' presence for and participation in other votes that day do not necessarily establish his presence for the vote in question," Boasberg wrote in his latest ruling at the end of July. "He must have been present for this vote to count towards this quorum," the judge said (his emphasis).

The NLRB can still pass the rule, Boasberg reiterated, if it can find a quorum to do so.

## Together We Are Stronger



Join YOUR Credit Union!  
Call us today at  
1-877-769-4766  
or online at  
ironworkersfcu.org

Support union labor and buy union made!

Proudly Serving Ironworker members and their families in Affiliated Local Unions 14, 29, 86, 506, 516 and 751

Pacific Northwest  
**IRONWORKERS**  
FEDERAL CREDIT UNION

PORTLAND • SEATTLE • SPOKANE

Like us on:

ironworkersfcu.org



# HAPPY LABOR DAY TO ALL

from

## IRON WORKERS LOCAL 29

**111 PROUD YEARS OF SERVING THE WORKING MEN AND WOMEN OF OREGON**

Executive Board

Rion Barrett, Kevin Crocker,  
Shane Nehls,  
Michael Newton, Neal Ryan

Kevin Jensen - FINANCIAL S-T/BUSINESS MANAGER

Joe Bowers - PRESIDENT/BUSINESS AGENT

Robert Camarillo - DISPATCHER/ORGANIZER

Kevin Soto - RECORDING SECRETARY

Aimee Parmeter - ADMINISTRATIVE ASSISTANT

**11620 NE Ainsworth Circle,  
Suite 200, Portland, OR  
503-774-0777**

