

NLRB Issues Proposed Rule Rolling Back 2020 Changes

On November 3, 2022, the National Labor Relations Board (NLRB) continued its recent trend of protecting the rights of unions to be certified (and to remain in power) regardless of the wishes of the employees they purportedly represent. This recent proposed rule reverses a 2020 Final Rule issued by the NLRB dealing with three issues:

- 1) **How long members of a union need to wait to decertify the union after voluntary recognition of the union by the employer.** The new 2022 rule extends the time period to six months.
- 2) **The standard to convert an 8(f) construction union into a more typical 9(a) bargaining relationship.** The new 2022 rule eliminates the need for positive evidence of majority status before the conversion occurs, therefore making it much easier for the union to establish itself without consideration of the preferences of the employees.
- 3) **The impact of so-called “blocking charges” – unfair labor practice charges filed by unions during elections.** The new rule allows unions to file unfair labor practice charges in advance of elections where the unions expect to lose and therefore stop the elections from happening, giving unions more time to convince employees to vote for them.

The comment period for this [proposed rule](#) is open through January 3, 2023. We expect to see more pro-union and anti-employee/anti-company rulemaking coming from the NLRB during the next several months.

FOR MORE INFORMATION

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