NLRB Back In Business, Griffin's Nomination Before The Senate

October 23, 2013 | National Labor Relations Board, Labor Relations

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It's hard to be as lyrical as my partner Keith Brodie has been about the NLRB. The shutdown drove him to fitful bouts of "poetry" – if you can call it that. But this week, BT Labor Relations is no longer poetic, but rather back to the nuts and bolts as the NLRB grinds back to business.

The basics are set out at the Board's website at www.NLRB.gov on how filing deadlines will be handled as a result of the shutdown. Basically, if you have a filing that came due during the shutdown, just add 16 days. If the due date now falls on a Saturday, Sunday or holiday, the filing deadline becomes the following business day. That's standard practice.

According to the Board's website, any due date created prior to the shutdown is "tolled" during the shutdown even if the original due date did not fall within the government shutdown. For example, if on September 23, 2013 the parties were assigned a due date of October 21, 2013 (after the NLRB's re-opening on October 17, 2013), 16 days are added to the due date and the document(s) are now due by November 6, 2013.

On a related matter, the nomination of Richard Griffin, Jr. to be General Counsel of the NLRB has been placed on the Senate's Executive Calendar for October 28, 2013. Griffin, the former General Counsel for the International Union of Operating Engineers, previously served as a recess appointment to the Board – an appointment that the D.C. Circuit Court of Appeals has declared to be unconstitutional. See our posts on the DC Circuit's decision, the Supreme Court's decision to review that case as well as the agreement to withdraw Griffin's nomination to serve a full term on the Board. If confirmed as General Counsel, Griffin's term will be for four years.