

Shutdown Closes NLRB Operations

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Closed sign

As a result of the federal government shutdown, yesterday NLRB operations ground to a halt. Many practitioners and employers during the a.m. hours received contact from Board Agents and Board Lawyers indicating that pending investigations, petition processing and the like were on hold until after the shutdown ends. The Board's "[Shutdown Plan](#)" indicates that 1,600 of the Board's 1,611 staff have been furloughed. All regional offices are closed and the only remaining staff are located in the Board's main office in D.C. Even the Board's website was shutdown and the resources posted online, including all Board cases, memos, and other guidance, became unavailable. Instead, visitors to the Board's website were redirected to a [landing page](#) explaining "The National Labor Relations Board is currently closed due to a lapse in appropriated funds."

The full effect of the shutdown on new and on-going NLRB cases is not completely clear. The [Federal Register Notice](#) on the effect of the closure states that an extension of time to file any documents is granted sua sponte for all affected parties through the end of the shutdown. However, the Board cannot grant extensions of time to the six-month statute of limitations in Section 10(b) of the National Labor Relations Act that applies to unfair labor practice charges. The Federal Register Notice states that "the operation of Section 10(b) during an interruption in the Board's normal operations is uncertain" and encourages effected parties to file their charges via fax, although they will presumably not be processed until after the shutdown concludes. The Board's website does provide that actions necessary "to prevent an imminent threat to the safety of human life or the protection of property may be undertaken" during the shutdown, although it is not clear what NLRB actions, if any, would fall into this category.

All ALJ hearings scheduled for this week have been postponed indefinitely, as well as all elections and election hearings scheduled through October 11. The Federal Register Notice provides that if the shutdown continues, additional hearings and elections will be postponed as well. Like the rest of the country affected by the shutdown, all practitioners and employers with business in front of the Board can do now is wait it out.

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