

The Fix Is In - Senate Confirms NLRB Nominees

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As we reported earlier, the Senate voted this afternoon on President Obama's nominations to the National Labor Relations Board. All five nominees -- Kent Hirozawa, Nancy Schiffer, Harry Johnson, Philip Miscimarra, and current Board Chairman Mark Gaston Pearce -- were confirmed by the Senate. This vote ends the considerable political haggling that has occurred over the President's nominations during the last few months and sets the stage for the NLRB to operate with a full compliment of five Senate-confirmed members for the first time in almost a decade.

The vote also puts a stop to the on-going effects of the challenges to President Obama's NLRB recess appointments. As we have previously reported in detail, the D.C. Circuit in *Noel Canning* found the recess appointments to be invalid, and decisions of the Third and Fourth Circuits have recently followed suit with similar holdings. The issue will ultimately be decided by the U.S. Supreme Court, which indicated in June that it will review the *Noel Canning* decision next term.

Today's vote ensures that the Board will move forward with no recess-appointed members, which means that even if the *Noel Canning* decision is upheld by the Supreme Court, the Board's actions going forward will not be affected.

Stay tuned as we continue to update you on this and other important National Labor Relations Board and union organizing related news and analysis.

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