

11th Circuit Jumps Into The Fray And Upholds The NLRB Recess Appointments

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**Adam L.
Bartrom**
Partner

The 11th Circuit is now in the mix on the issue of NLRB recess appointments which were brought to the forefront of the labor world by the *Noel Canning* decision. However, unlike the D.C. Circuit, 3rd Circuit and 4th Circuit, the 11th Circuit Court of Appeals has broken ranks and upheld the NLRB's recess appointments. Relying upon its previous 2004 ruling on recess appointment issues – *Evans v. Stephens* – the 11th Circuit held that the Constitution's recess appointments clause permits intrasession recess appointments. The full decision can be found [found here](#).

The oral argument on the constitutionality of President Obama's recess appointments to the NLRB in *Noel Canning* will be heard by the U.S. Supreme Court on Jan. 13, 2014. Make sure you bookmark the BT Labor Relations blog as we'll keep you updated as developments occur.

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