

NLRB Signals Reversal Of Blocking Charge Policy

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Is the National Labor Relations Board's (NLRB) blocking charge policy in its last days? Perhaps, according to a footnote in its recent decision in *ADT Security Services* Case 18-RD-206831 (December 20, 2017). Current NLRB policy allows union elections to be paused if employees or the union file a complaint alleging that the employer committed an unfair labor practice. The current policy also permits halting an election if employees seeking decertification or disbanding of a union allege the union interfered with the election. However, in *ADT Security Services*, new NLRB chairman Marvin Kaplan stated he "would consider revisiting the Board's blocking charge policy in a future appropriate case." The other new Republican member, William Emanuel, was more direct, stating "the policy should be changed." The *ADT Security Services* decision involved a decertification petition regarding an International Brotherhood of Electrical Workers union. While the footnote in *ADT Security Services* likely indicates reversal of the vote blocking policy is on the horizon, the current composition of the Board is split evenly (2-2) along party lines, with former chairman Philip Miscimarra's term having expired on December 16. Once the Board returns to a Republican majority under the Trump administration, we expect this policy to be on the list of policies to be reversed in the coming new year.

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