



Changes Coming: NLRB Considers Rulemaking On Ambush Elections And More

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More significant changes appear to be on the way at the National Labor Relations Board (NLRB). On May 22, the agency announced [it is considering rulemaking](#) to address several significant labor law issues, including its current “[ambush election rule](#)” related to union certification votes.

According to the new press release, the board specifically is considering rulemaking on the following topics:

- The board’s current representation-case procedures (i.e., the ambush election rule)
- The board’s current standards for blocking charges, voluntary recognition, and the formation of Section 9(a) bargaining relationships in the construction industry
- The standard for determining whether students who perform services at private colleges or universities in connection with their studies are “employees” within the meaning of Section 2(3) of the National Labor Relations Act (29 U.S.C. Sec. 153(3))
- Standards for access to an employer’s private property

That’s quite a list of big issues to tackle!

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The board has the power to regulate issues covered under the National Labor Relations Act by promulgating regulations through administrative rulemaking or creating precedent through individual case adjudication. While the NLRB historically has favored the latter method, the agency has been turning to rulemaking more [in recent years](#).

In connection with the announcement on rulemaking, NLRB Chair John Ring commented: “The Agenda reflects the Board majority’s strong interest in continued rulemaking...Addressing these important topics through rulemaking allows the Board to consider and issue guidance in a clear and more comprehensive manner.”

Stay tuned to the blog to see how each of these issues unfold.