

## Publications

### Court Won't Give Legal Relief From NLRB's 'Quickie' Election Rule

#### Related Professionals

Nelson D. Cary

George L. Stevens

#### Related Services

Labor and Employment

Labor Relations

**AUTHORED ARTICLE** | 4.30.2015

TLNT.com

Nelson Cary, a partner in the Columbus office and a member of the labor and employment group, and George Stevens, an associate in the Columbus office and a member of the labor and employment group, co-authored an article for TLNT.com titled "Court Won't Give Legal Relief From NLRB's 'Quickie' Election Rule."

The article highlighted a recent Washington, D.C. circuit court decision. According to the article, in the case, an employer and three of its employees sought a temporary restraining order to prevent the National Labor Relations Board (NLRB) from applying the provisions of the new rule to an election petition filed by the United Construction Workers Union the same day that the new rule took effect.

#### The article states:

*"The employer – like the trade associations that have brought the other two lawsuits – argued that the rule's requirement that an employer post a notice of election two days after receipt of the Union's petition from the NLRB violated its free speech and due process rights. The employer also argued that the compelled disclosure of employee names and personal information violated the employees' right to privacy.*

*A TRO is a hard thing to get. A party must demonstrate (among other things) that whatever it is trying to stop will cause concrete, "irreparable harm" in the short term. It was this hurdle that proved fatal to the employer's request, with the Court quipping "a notice tacked onto a bulletin board, or even posted on a website, can be easily removed."*

*The employees' claims did not fare any better. They argued that their right to privacy would be "irreparably harmed" because their information might be misused or accidentally disclosed to third parties by the union. The Court again disagreed, noting that "this sort of speculative injury cannot form the basis for granting emergency injunctive relief."*

*So, what should labor professionals take away from this decision? It is certainly not positive news for employers—after all, it is an NLRB win. But, it is important to remember that TROs are only granted in the most extraordinary of circumstances.”*

To read the entire article, visit the [TLNT.com](https://www.tlnt.com) [website](#).