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On December 21, 2011, the National Labor Relations Board adopted a final rule amending its election case procedures. The rule will be published in the Federal Register on December 22, and is to take effect on April 30, 2012.

The rule limits the issues to be considered in NLRB representation cases, eliminates pre-election Board review of regional directors' decisions, and takes other steps the Board says will "reduce unnecessary litigation and delays."

"This rule is about giving all employees who have petitioned for an election the right to vote in a timely manner and without the impediment of needless litigation," said Chairman Mark Gaston Pearce.

The final rule did not include all of the highly controversial measures proposed by a divided Board in its June notice of proposed rulemaking.

Chairman Pearce and Member Craig Becker voted in favor of the final rule, while Member Brian Hayes opposed it. The final rule provides the opportunity for publication of a separate dissenting statement prior to the effective date of the rule.

Even before the NLRB issued its final rule amending the election procedures, two business groups, the U.S. Chamber of Commerce and the Coalition for Democratic Workplace, filed suit in federal court in Washington, D.C. seeking to enjoin enforcement of the rule. *Chamber of Commerce v. NLRB*, D.D.C., No. 1:11-cv-02262, filed 12/20/11. They are also among the business groups who have brought federal court suits challenging the NLRB's notice posting rule, which, absent court intervention, is due to become effective January 31, 2012.

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