

Supreme Court Strikes Down NLRB Recess Appointments

JUNE 27, 2014

In a highly-awaited, end-of-Term decision, the U.S. Supreme Court yesterday decided *Noel Canning v. NLRB*—a separation-of-powers showdown between the President and Congress on the question of when the President can make “recess” appointments. By a unanimous vote, the Court held that the President acted outside of his constitutional power in appointing three members to the National Labor Relations Board (NLRB or Board) in January 2012. Yesterday’s decision has major implications for hundreds of recent labor decisions, as well as the President’s ability to fill future government vacancies.

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