
SB on HR

Sick Leave Laws

As anticipated in our June Legal Alert ([copy](#)) on the nationwide sick leave laws battles, Mayor Bloomberg of New York City, vetoed the council's sick leave law. The city council promptly overrode his veto making the law official on June 27. In Florida, the state legislature passed a preemption law, which was signed by Governor Rick Scott on June 15. The law effectively moots a referendum for a sick leave law that the voters of Orange County, FL, were able to place on the ballot through signatures and litigation.

NLRB Appointments

As predicted in our April Legal Alert ([copy](#)) and follow-up on the legal challenges to the current makeup of the National Labor Relations Board, on June 24 the Supreme Court agreed to hear the appeal of the *Noel Canning* decision declaring Obama's recess appointments to the Board unconstitutional. This will be an important constitutional test of the executive branch's powers.

The issue of the validity of the recess appointments to the Board has recently been litigated and appealed in multiple cases and districts. Furthermore, it nearly lead to a partisan showdown in the Senate over the filibuster rules. Democrats were frustrated with the Republicans refusal to approve Obama's nominees to the NLRB, the new Consumer Financial Protection Bureau and a couple of cabinet posts. They threatened on Monday, July 15, to change the Senate rules governing presidential appointees. Many referred to this as the "nuclear option" and it lead Republicans to threaten to retaliate on other legislative matters.

On Tuesday, July 16, the historic clash was averted when President Obama agreed to withdraw his two controversial nominees, whose appointments had been ruled unconstitutional by the D.C. Circuit Court of Appeals, as initially reported in our April Legal Alert, and replace them with two experienced labor lawyers. In exchange, the Republicans promised a speedy confirmation process that should result in a fully staffed NLRB by next month.

This will not impact the Supreme Court's decision to address the D.C. Circuit's ruling.

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