

## PREFACE

*Current through December 31, 2017*

This is the first supplement to the Seventh Edition of *The Developing Labor Law*. Supplements to *The Developing Labor Law* are cumulative and are published annually. The two-volume Seventh Edition was published in 2017 covering labor law material through December 31, 2016. This first supplement to that edition deals with labor law developments during calendar year 2017.

The text of this supplement follows the basic organization of the Seventh Edition. The cumulative supplements to the Sixth Edition included an Editors' Note explaining our practice with respect to referencing NLRB cases decided during the "two-Member Board" and "recess appointment" periods that were the subject of Supreme Court decisions. That Editors' Note was inadvertently not included in the Seventh Edition. In order to rectify that omission, it is now included at the end of this Preface.

*The Developing Labor Law* enjoys a well-deserved reputation as "The Bible" in our field. That reputation was earned by the efforts of many, many ABA Labor & Employment Law (LEL) Section members who worked on this text over the almost 50 years since 1971 when the LEL Section and the Committee on the Development of the Law under the NLRA published the First Edition under the leadership of then Editor-in-Chief Professor Charles J. Morris and Co-Editors George E. Bodle and Jay S. Seigel. Our thanks to all of the attorneys who have served as Editors, Associate Editors, Chapter Editors, and Contributing Editors over the years. While they are too numerous to name, they deserve great honor for the contributions they have made to our profession and to making this text what it is today. We thank them.

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## EDITORS' NOTE

### Explanation of Citation Style Used for Board Decisions Invalidated by Supreme Court Decisions in *New Process Steel* and *Noel Canning*

In recent years there have been two Supreme Court cases which, because of Board composition challenges, undid certain Board decisions. These cases are:

- *New Process Steel v. NLRB*, 560 U.S. 674, 188 LRRM 2833 (2010), where the Court invalidated decisions of the two-Member Board—cases decided between January 18, 2008 (352 NLRB No. 1) and March 26, 2010 (355 NLRB No. 22), and
- *NLRB v. Noel Canning*, 134 S. Ct. 2550, 199 LRRM 3685 (2014), where the Court invalidated decisions of the January 2012 recess appointees of President Obama (recess Board)—cases decided between January 31, 2012 and July 16, 2013 (NLRB Volumes 358 and 359).

We have identified these decisions in citations by using the terms “(two-Member Board)” or “(recess appointment),” respectively, at the end of the relevant citations. The “(recess appointment)” reference has been added to cases that had no litigation after the recess board decision.

- Additionally, we have noted those Board decisions that subsequently have been reconsidered by the Board in new decisions by providing the new citation and then adding “*reaff'g*” or “*aff'd*” and the citation to the invalidated decision from either volume 358 or 359. In most situations, any cases that were under reconsideration as of June 1, 2015, were cited as “(recess appointee case pending reconsideration).”
- As noted above, the decisions invalidated by the Supreme Court and not reconsidered, viz., the “recess appointment” cases, are included in this book because, invalidated or not, they reflect a development in the law—a development of which the practitioner should be aware.