



Recommendation 69-2

Judicial Enforcement of Orders of the National Labor Relations Board

(Adopted October 21-22, 1969)

The orders of most major independent regulatory agencies normally become enforceable automatically unless challenged in court. The statutory requirement that an order of the NLRB can be made effective only by affirmative action to obtain judicial confirmation of its terms, even when its validity is wholly uncontested, is contrary to efficient law enforcement. The Administrative Conference of 1961-62 urged that NLRB orders be treated, for purposes of judicial review, like those of the other major independent administrative agencies. That recommendation remains as sound today as when it was first made. The present practice burdens the courts with unnecessary proceedings whose only product is delay rather than added protection against ill-founded action. In the absence of any challenge after due notice to the parties, NLRB orders should be enforceable by the U.S. Courts of Appeals without further intermediate steps.

Citations:

__ FR ____ (2012)

1 ACUS 24

Note: This recommendation was not published previously in the Federal Register.