The Supreme Court agrees to consider whether the National Labor Relations Board (NLRB), which was designed to have five members but has operated with just two members for the past 22 months, has the legal authority to issue two-member rulings in unfair labor practice and representation case. The two current members, Wilma B. Liebman (D) and Peter C. Schaumber (R), have issued about 500 published and unpublished rulings since the start of 2008. In most of those cases, the parties have accepted the board's rulings. However, parties have challenged the legality of two-member rulings in dozens of cases pending in federal appeals courts.

(Source: New Process Steel LP v. NLRB, U.S., No. 08-1457, cert. granted November 2, 2009; Northeastern Land Services Ltd. v. NLRB, 560 F.3d 36 (1st Cir. 2009); Snell Island SNF LLC v. NLRB, 568 F.3d 410, (2d cir. 2009); and Laurel Baye Healthcare of Lake Lanier Inc. v. NLRB, 564 F.3d 469 (D.C. Cir. 2009), as reported in BNA, Daily Labor Report, No. 210, November 3, 2009, pp. AA1-AA2.)