

# NLRB Approves Quickie Election Rules

## Labor & Employment Law Update

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The NLRB has issued a controversial final rule amending its regulations on union representation elections. The final rule was adopted by a 3-2 vote and will take effect on April 14, 2015, unless enforcement is blocked by a court or Congress.

The quickie election rules (also referred to as “ambush” election rules) will drastically change the representation election process to limit the amount of time an employer has to respond to a petition and oppose unionization. The NLRB has been harshly criticized for passing these rules, which clearly favor big labor and take away the employer’s right and opportunity to engage in protected speech. The following are some of the significant changes set forth in the new rules:

- Employers will be required to submit a Position Statement on all issues raised by the proposed bargaining unit within 7 days after receipt of the petition – issues not raised will be deemed waived!
- Places limitations on matters to be considered for pre-election hearings with a push to review most objections related to election to post-election hearings.
- Requires employers to furnish union organizers with all available personal email addresses and phone numbers of workers eligible to vote.
- The automatic stay of 25-30 days before elections to allow time for the board to consider a request for review is eliminated.
- The opportunity to file written briefs is reduced.
- Election petitions and other documents may be electronically filed.

The driving force behind the new rules is to short circuit the employer’s opportunity to oppose unionization, which will give unions significant advantage and increase the odds of winning union election campaigns. The employer community is deeply disturbed by the board’s obvious bias in favor of big union, and legal challenges to the new rules are expected in the coming months. In the meantime, employers should recognize that the new rules reinforce the importance of creating/maintaining a culture that has no desire or need for a union. Under the new rules, employers will have very limited time to inform employees of all the reasons unionization is not the answer; it simply might be too late. As such, that conversation must start now and be ongoing.