



Transportation Law Alert

SCOPELITIS, GARVIN, LIGHT, HANSON & FEARY

NLRB Issues New Rules to “Update” Union Representation Election Procedures

The National Labor Relations Board has just announced final regulations designed to streamline the election process it follows to govern petitions filed by unions attempting to organize workers. The Board’s regulations stand to change the election landscape considerably, condensing and otherwise hampering an employer’s opportunity to respond to a union organizing campaign. For example:

- Employers will have only seven days after the filing of a petition by a union to obtain counsel and file its legal position on whether an election may properly be held;
- Employers must provide a list of prospective voters, along with job classifications, shifts and work locations generally within that seven day period;
- Pre-election challenges will consist only of determining whether an election should be held – not whether individuals or groups are properly eligible or included;
- All challenges to a regional office’s decision that an election should be held must wait until after the election;
- The voter list now requires inclusion of personal email addresses and phone numbers of the targeted employees, and must be produced to the union within two business days of the stipulation or direction of election.

The Board majority approving the final regulations hold them out as streamlining the election process and increasing transparency and uniformity across regional offices. The dissenting Board members, however, criticize the regulations as, among other things, limiting an employer’s free speech and infringing on due process rights. According to the dissent, “the Board would better serve employees, unions, and employers – and the public interest in general – by undertaking a more neutral, limited and even-handed approach.”

The regulations will be formally published on Monday, December 15, 2014, with an effective date of April 14, 2015. Without question, the regulations, once implemented, will place a premium on an employer’s commitment to defeating a union organizing campaign before the campaign begins through maintaining fair policies and practices as well as educating employees on the company’s position with respect to unionization. For more information, contact Jim Hanson or Jack Finklea at 317-637-1777 or Don Vogel at 312-255-7200.