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## NLRB Resubmits Proposal For Ambush Union Election Rules

On February 4, the [National Labor Relations Board \(NLRB\)](#) announced revisions to its union election rules that, if implemented, will make it much easier for unions to organize employees. Although these rules are only proposed at this time, employers will want to pay close attention as the NLRB's rulemaking process moves forward this year.

The revisions that the NLRB is proposing would:

- shorten the timetable for the exchange of employee information and include employee telephone numbers in voter lists;
- allow for electronic filing and transmission of union election petitions and other documents;
- eliminate procedures that have allowed employers to challenge the composition of the bargaining unit prior to an election and consolidate all election-related appeals to the Board into a single post-election appeals process.

Currently, most union elections take place within 56 days of the union filing an election petition; the median timeframe for these elections is 38 days. The NLRB is proposing to speed up this process to approximately 14 days after a union election petition has been filed. This proposal is significant to employers because the time between the date the petition is filed and the date of the election is often the only time a company has to educate its employees about unions and to express its views regarding unionization. By shortening the election timetable, employers are deprived of the time necessary to fairly present both sides of the representation question to employees, and employees may not have sufficient time before a vote to weigh important issues regarding union representation.

The proposed rules also shorten the time, after a petition has been filed, within which employers must submit to labor unions electronic lists of employees and provide unions with their employees' telephone numbers and addresses. These changes give unions even more access to employees for campaigning during an election. Finally, the NLRB is proposing to limit the avenues by which employers may challenge union elections. These, and other changes at the NLRB, make it even more critical for employers to have a plan in place to address a union campaign well before a union files a petition.

NLRB encourages employers to comment on the proposed changes. The deadline for comments is April 7, 2014. Details on how to submit comments are set forth in the [Notice of Proposed Rulemaking](#).

For more information, please contact:

[Nicole A. Bernabo](#) | [Peter A. Dagostine](#) | [Natale V. Di Natale](#) | [Susan N. Masters](#)

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