

Summary Data Released By NLRB Confirms Its “Ambush Election Rules” Truncate Time Between Petition, Election

March 21, 2016 | [National Labor Relations Board, Labor Relations](#)



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As of Jan. 14, the National Labor Relation Board’s (NLRB) infamous “ambush election rules” had been in effect for three quarters. The NLRB recently conducted a review and analysis of union election data during those quarters and published its findings. The report offers data related to the new rules from April 14, 2015, through Jan. 14, 2016, and compares that data against petitions and elections that occurred under the prior rules from April 14, 2014, through Jan. 12, 2015. Interestingly, union win rates are slightly down under the new rules (down to 68 percent in union representation elections from 70 percent), and the number of total petitions has not increased drastically (up to 1624 from 1608). However, one critical change has occurred: the median time from petition to election has been truncated significantly. Under the old rules from April 14, 2014, through January 12, 2015, the median time from a union petition being filed to election was 38 days. Under the new rules from April 14, 2015, through January 14, 2016, the median time from petition to election was **24 days** – two full weeks shorter. In other words, that’s two weeks less time for companies to vet the issues giving rise to a petition and to implement a communications plan neutralizing those issues in order to remain union free. The full results from the NLRB’s study can be [found here](#). In light of the shortened campaign window, employers should stay vigilant on the union avoidance front. Some strategies to consider include:

- Conducting positive employee-relations training annually to ensure management members are treating employees fairly and with respect;
- Ensuring employees have multiple avenues they can access to communicate concerns to the company (and that the company takes action when appropriate); and
- Reviewing personnel policies to ensure they are up to date with the latest NLRB guidance, as unlawful policies can cause an election victory by the employer to be reversed.

Because employers are facing much less campaign time, blunting any union organizing efforts before they begin is more important now than ever.

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