



NLRB Extends Deadline For Public Feedback On Potential Changes To Its ‘Ambush Election Rule’ – Again

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On March 14, the National Labor Relations Board (NLRB) [announced](#) that it is extending the deadline for public feedback on potential changes to its “ambush election rule” to April 18. This follows an [announcement](#) by the agency on Jan. 26 that it was extending the comment period to March 19 from the original deadline of Feb. 12.

The [NLRB announced on Dec. 12](#) that it was seeking input from the public regarding the NLRB’s 2014 ambush election rule. According to the agency’s press release, the NLRB specifically is evaluating whether the rule should remain as is, be modified, or rescinded in its entirety. The press release provides instructions for submitting feedback.

A recently released [report from the NLRB](#) confirms that the agency’s ambush election rule, that went into effect in April 2015, has significantly truncated the time employers have to conduct union campaigns. Under the old rules, from April 14, 2014, through Jan. 12, 2015, the [median time](#) from a union petition being filed to election was 38 days. For fiscal year 2017, the median time from petition to election was 23 days – more than 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. This follows a [similar report issued by the NLRB](#) last year that also showed shorter campaign windows since the

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rules went into effect.

Many changes were afoot at the NLRB at the end of last year. In the event the NLRB reverses course on the ambush election rule and eliminates or significantly alters it, we may be able to add it to a growing list of recent “wins” at the agency for employers.