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Faster! NLRB Moves To Accelerate Union Election Timeframes

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On Aug. 24, the National Labor Relations Board (NLRB) announced it is amending its rules and procedures related to union elections in several ways to quicken the process. This is a significant development on the union organizing front.

According to a [press release from the agency](#), “The new rule will meaningfully reduce the time it takes to get from petition to election in contested elections and will expedite the resolution of any post-election litigation.” The release went on to describe highlights of the changes, including:

- Allowing pre-election hearings to begin more quickly
- Ensuring that important election information is disseminated to employees more quickly
- Making pre- and post-election hearings more efficient
- Ensuring that elections are held more quickly

These rule amendments take effect Dec. 26, 2023.

Generally speaking, shortening the amount of time between a petition and election often favors unions. The reason for this is that in many cases an

employer may not have notice of employee interest in forming a union until a petition is filed. Once an employer is aware their workforce is considering unionization, the company does have certain rights to express their views on the issue, including dissuading workers from organizing. When employers have less time to get their message out prior to an election, their efforts can be hampered.

The quicker timeframe likely is welcome news for unions and it almost certainly will pave the way for more union election wins. In fact, in the last two years, unions are seeing more [organizing success](#) than they have in decades. Through the first six months of the NLRB's 2023 fiscal year, union election petitions were up 14 percent over 2022. With the [ongoing national union push at Starbucks](#) and increased unionizing activity, these rule changes may push union win rates through the roof.

Bottom line: Companies desiring to remain union-free should be aware of these new truncated timelines and the affect they could have on their union avoidance efforts. Given the new rules won't go live until December, employers have some time to revisit and review their strategies and plans on this front.