

NLRB DROPS THE OTHER SHOE – APPROVES QUICKIE ELECTION RULES

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Just one day after decimating employers' ability to restrict employee use of email systems, the NLRB dealt another blow to employers on Friday when it approved new rules for the conduct of union representation elections – commonly referred to as the “quickie” or “ambush” election rules. The Board's announcement today called the new rules an effort “to modernize and streamline the process.” However, the two Republican Board members dissenting from the rule change called it unnecessary, violative of worker privacy and an obstacle to workers making informed choices regarding unionization. Members Philip Miscimarra and Harry Johnson wrote in dissent that “[t]he final rule has become the Mount Everest of regulations: massive in scale and unforgiving in its effect.” The rule will be published in the Federal Register on Dec. 15, and will take effect on April 14, 2015. Among others things, the new rule:

- Limits the subject matters to be considered in pre-election hearings, pushing to post-election hearings most objections concerning the election and the proposed unit;
- Requires employers to submit a Position Statement on all issues raised by the proposed bargaining unit seven days after receipt of the petition. Issues not raised then will be considered waived;
- Eliminates a previously-required 25-day period between the time an election is ordered and the election itself;
- Requires employers to furnish union organizers with all available personal email addresses and phone numbers of workers eligible to vote in a union election; and
- Provides for electronic filing and transmission of election petitions and other documents.

Geoff Burr, vice president for government affairs of Associated Builders and Contractors, said the announcement “further demonstrates the board's shift from neutral arbiter of labor law to cheerleader for big labor. ABC opposes this erosion of workplace and privacy rights, which will lead to the unsolicited distribution of employees' personal contact information.” The National Association of Manufacturers noted that “This damaging rule raises serious questions about whether the NLRB is advocating an outcome rather than acting as an impartial adjudicator.” Mark Mix, President of the National Right

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to Work Foundation, said that “Christmas came early for Big Labor as the Obama Labor Board has once again given union bosses increased power to ambush workers into dues-paying union ranks. The NLRB's new ambush union organizing election rules make union organizing campaigns even more one-sided and stifle the rights of employees who may oppose unionization in their workplace.” Here are links to: [The NLRB Case Procedure Fact Sheet](#) [The NLRB's Comparison of the Old and New Rules](#) [The final rule from the Federal Register](#)