

Labor Board's Top Lawyer Outlines Potential Procedures For Live Union Elections

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Union elections – like most things in 2020 – have been disrupted by the ongoing COVID-19 pandemic. The National Labor Relations Board (NLRB) briefly [paused all private sector union elections](#) earlier this year and later restarted them. However, since union elections resumed, many elections have been done by [non-traditional means](#), such as mail ballots, that impose their own set of challenges. Some [hearings and procedures](#) related to voting also have been affected.

Perhaps eyeing a return to normal, NLRB General Counsel Peter Robb issued a memo this week outlining [procedures that may be used to have union elections resume](#) via in-person voting.

In the memo, Robb sets forth various ways NLRB regions can potentially make in-person voting safer in current times. Some of his recommendations include:

- Mandating social distancing in polling areas
- Having the parties agree pre-election to a maximum number of representatives to be at the vote count
- Having the parties agree pre-election to a release schedule so there are not too many people at the polling place at once
- Using newer cardboard voting booths (instead of the older aluminum ones) because they are easier to disinfect
- Setting up voting booths at least six feet apart
- Having the employer certify it has cleaned the voting area consistent with CDC guidelines

The memo does not force NLRB regions to carry out union elections in person; rather, it offers guidance as to how in-person elections may be made safer. The memo also notes that circumstances and the understanding of the virus are constantly evolving, so additional safeguard recommendations may be forthcoming. We'll see if more regions start resuming in-person union

elections following this memo.

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