

New NLRB Quickie Election Rules Take Effect Today

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Any employer potentially subject to union organization should be aware that the **National Labor Relations Board (“NLRB”)** modified its election rules effective April 14, 2015. Aptly referred to as the “**quickie election rules**,” the new NLRB rules will have multiple, significant adverse effects upon employers facing an organizing campaign.

First, the employer will have less time to explain to the employees the negative aspects of unionization. By contrast, the union may have been talking to those employees for months about the benefits of unionization. Second, when the union files an election petition, the employer very quickly will be forced into legal proceedings with the NLRB to resolve legal and factual issues affecting the election. If the employer fails to make all of its arguments in this compressed time frame, missed arguments will be waived. Third, the employer in many instances will not know the identity of its statutory supervisors. Therefore, the employer will not know exactly who can speak for management and engage in other activities without committing an unfair labor practice. This puts the employer at a distinct disadvantage in the campaign.

Other new requirements of the quickie election rules include:

1. the employer must post an additional bulletin board notice;
2. the employer must email notices to employees at their homes; and
3. the employer must disclose to the union employee personal cell phone and personal email addresses.

Suffice it to say, the quickie election rules create significant, new legal and practical problems for employers faced with union organizing.

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