

NLRB PROPOSES UNION-FRIENDLY AMENDMENTS TO ELECTION RULES

On June 22, 2011, the National Labor Relations Board published a Notice of Proposed Rulemaking in the *Federal Register*. The Notice proposes significant amendments to existing rules and regulations governing the Board's procedures in cases involving union representation elections. The Board's stated purpose in proposing the amendments is "to reduce unnecessary litigation, streamline pre- and post-election procedures, and facilitate the use of electronic communications and document filing." Among other things, the proposed amendments would:

- Allow for electronic filing of election petitions and other documents;
- Set short deadlines for conducting pre- and post-election hearings;
- Defer litigation of most voter eligibility issues until after the election;
- Require employers to provide a final voter list in electronic form and to include voters' telephone numbers and email addresses (when available) in addition to home addresses;
- Consolidate all election-related appeals into a single post-election appeals process;
- Make Board review of post-election decisions discretionary rather than mandatory.

Overall, the proposed amendments are designed to substantially shorten the time between filing an election petition and the election itself. The campaign period, during which employers have an opportunity to share their views on the effects of unionization, could be reduced from as many as 60 days to as few as 20. If adopted, the amendments will greatly weaken the ability of employers and employees to remain union free.

While approval appears likely, the amendments are not yet final. We recommend that clients opposed to the proposed amendments submit their comments to the Board during the current 60 day comment period, which ends August 22, 2011. Comments may be submitted electronically through www.regulations.gov or by mail to:

Lester A. Heltzer
Executive Secretary
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

A public hearing is scheduled for July 18th and 19th in Washington, D.C.

We further recommend that clients conduct a complete review of their union avoidance procedures, giving consideration to possible changes in current policies and procedures to aid in union avoidance. Of particular importance is training for all levels of supervisory employees on detecting and responding to union organizing activities early and effectively. As a service to our clients, Conner & Winters conducts supervisory training in union avoidance and consults with management on a full range of union issues. If you have any questions or would like assistance with union issues, please do not hesitate to contact us.

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