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New NLRB Quickie Election Rule Now In Effect

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NEW NLRB QUICKIE ELECTION RULE NOW IN EFFECT

NLRB Seeks To Increase Win Rates for Unions

In an effort to help unions grow their membership, the National Labor Relations Board ("NLRB") implemented new election rules, effective April 30, 2012. The new election rules give unions an increased chance of winning representation elections by considerably shortening the campaign period and by blunting the opportunities an employer has to defend a representation petition. In many cases, these representation petitions are supported by employee signatures that were secured by the union providing false promises and misinformation of what unions do for their members.

Typically, a union attempts to conduct organizing activities under the radar until the union is ready to file a representation petition with the NLRB. Under the old rules, the filing of a petition set off a campaign period that could last at least seven weeks. This seven week period provided employers with time to develop and implement an effective campaign to dissuade employees from supporting the union. Elections subject to the new rules could be held in as little as 17 days after the filing of a petition. With a substantially shortened campaign, an employer may not have sufficient time to effectively respond to a union's organizing efforts. The NLRB hopes that the result will be increased win rates for unions.

Groups such as the U.S. Chamber of Commerce have filed a lawsuit in the United States District Court for the District of Columbia challenging the enforceability of the new rules. The Court may issue a decision within the next week.

What Does This Mean For Your Workplace?

Less response time between petition and election will favor unions and put increased pressure on employers. Employers should act now to: 1) reevaluate current employee relations programs; 2) identify, confirm and properly train all frontline supervisors; 3) conduct supervisory and possibly employee training programs designed to identify and prevent organizing from taking place; and 4) implement other proactive steps designed to

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effectiveness of the NLRB's initiative. Regardless, in the event a petition is filed, you must be ready to respond with a proactive program tailored to ensure effective communication or it may be too late.

If you need assistance in preparing a proactive plan or responding effectively to a representation petition, please contact Peter Bennett (pbennett@thebennettlawfirm.com) or Rick Finberg (rfinberg@thebennettlawfirm.com). Our union avoidance programs have a near perfect success rate.

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