

PUBLICATION

NLRB's Quickie Election Rule Takes Effect

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The National Labor Relations Board (NLRB) released its final Rule on "quickie elections" in December, and they are now in effect. These rules come down heavily in favor of unions.

Overview of the Rule

This Final Rule from the NLRB makes it easier for unions to organize because of a much shorter time frame between the union's action and the time the company has to campaign. These changes mean that many elections can be held in as few as 13 days from the time the petition for an election is filed. Other significant changes include mandatory pre-election postings; the limiting of pre-election hearings; a mandate that employers provide employees' personal information via an "Excelsior list;" and the speeding up of post-election objections.

The Take Away: Why the Final Rule May Significantly Impact Employers

The underlying purpose of the Final Rule is to significantly limit employers' ability to combat a union after a petition for an election is filed with the NLRB. Simply put, an employer will now have very limited time between the filing of the petition for election and the actual vote to educate its employees so that they can make an informed decision about representation. Consequently, the chances of an employer being vulnerable to organization efforts have significantly increased. In order to be able to effectively counter a union campaign, employers have to now be more proactive than ever and prepare for potential union efforts in advance.

How We Can Help

Baker Donelson attorneys have decades' worth of experience in union avoidance strategies and have successfully defeated numerous unionizing attempts. Our team routinely performs union vulnerability assessments and can offer personalized strategic advice, management and HR training for your company. Team members include bi-lingual (Spanish) speakers.