

Time Crunch: NLRB Report Confirms Union Elections Remain ‘Quick’ Under New Rules

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A [recently released report](#) from the National Labor Relations Board (NLRB) confirms that the agency’s “[quickie election](#)” rules, that went into effect in April 2015, have significantly truncated the time employers have to conduct union campaigns. Under the old rules, from April 14, 2014, through Jan. 12, 2015, the median time from a union petition being filed to election was 38 days. For fiscal year 2017, the median time from petition to election was 23 days – more than two full weeks shorter. In other words, that’s two weeks less time for companies to vet the issues giving rise to a petition and to implement a communications plan neutralizing those issues in order to remain union free. This follows a [similar report issued by the NLRB](#) last year that also showed shorter campaign windows since the rules went into effect. Aside from shorter campaign times, employers are facing different procedures under the new rules as well. For example, they [must disclose phone numbers](#) of voting employees to unions – even phone numbers that individual supervisors may possess versus ones formally tracked by the company. There have been [attempts in Congress to undo](#) the quickie election rules, but those efforts have fallen flat thus far. Some are projecting that the newly Republican-controlled NLRB along with a new NLRB general counsel [may revisit and abandon the rules](#). For now, however, employers will be forced to operate under the current election framework. In light of the shortened campaign window, employers should stay vigilant on the union avoidance front. Some strategies to consider include:

- Conducting positive employee-relations training annually to ensure management members are treating employees fairly and with respect;
- Ensuring employees have multiple avenues they can access to communicate concerns to the company (and that the company takes action when appropriate); and
- Reviewing personnel policies to ensure they are up to date with the latest NLRB guidance, as unlawful policies can cause an election victory by the employer to be reversed.

Because employers are facing much less campaign time, blunting any union organizing efforts before they begin is more important now than ever.

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