



Lost In The Mail: Invalid Mailing Addresses Cost Company Union Election

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When faced with a petition by employees seeking to unionize a workplace, employers generally must provide the National Labor Relations Board (NLRB) and union with a list of all the employees at issue that contains the workers' contact information, including home addresses. This list is frequently referred to as a "voter list." When employees have P.O. box addresses on file with an employer for mailing purposes in addition to physical home addresses, though, must a company provide the NLRB and union with both addresses?

Based on a recent U.S. Court of Appeals for the 11th Circuit decision, the answer to that question is "yes." In [Transit Connection, Inc. v. National Labor Relations Board](#), the 11th circuit upheld a board decision that ruled an employer failed to provide a complete and accurate voter list where it only provided physical home addresses even though it had P.O. box information on file for many employees and knew those employees could only receive mail at P.O. boxes (many of the employees lived in Martha's Vineyard, Massachusetts, where P.O. boxes often are the only address at which people can receive mail). Because of the employer's failure to provide a complete and accurate voter list, the election it had won was set aside and re-run. The employer then lost the second election (*i.e.*, the employees voted in the union).

This case serves as an important reminder for any employers facing a union organizing drive that failing to file and serve a complete and accurate voter

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list can have [significant consequences](#), including having union election results set aside. Triple checking the list for accuracy and completeness is a best practice.