

EMPLOYER LAW BLOG

# EMPLOYER ALERT—Quickie Union Elections Have Arrived!

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On December 12, 2014, NLRB announced the adoption of a final rule applying changes to the procedures for union representation cases. The new rule, labeled by some as the "quickie election" rule, will expedite the initial representation election process (79 Fed. Reg. 74308 (Dec. 15, 2014)). The most notable changes are union elections will generally be held within 10 to 21 days after the petition is filed, rather than the previous rule's 42 days; pre-election hearings will occur only eight days after the petition is filed; near elimination of the right to appeal pre-election determinations; and the employer must provide its list of eligible voters, including phone numbers and e-mail addresses of all eligible voters to the union within two days from the filing of the petition. The new rule takes effect on April 14, 2015.

**Employer Impact:** The new rule makes it difficult for employers to challenge unionization prompting some to refer to these elections as "ambush elections". The new rule also substantially expands union access to employees in their organizing efforts. Unless properly trained, with the adoption of the new rule, employees may be required to vote without a full understanding of the relevant issues, which will ultimately result in a unionized workforce. Accordingly, to avoid the ambush, it is imperative for employers to be proactive in their union avoidance training and to the extent possible prepare in advance their union campaign materials.