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## New NLRB Election Rules Accelerate Union Action

The National Labor Relations Board's (NLRB) new election rules took effect April 14 and companies are already reporting effects from the change.

In our [prior alerts](#), we noted that the new election rules take their name—"quickie" or "ambush" rules—from the most controversial feature of the new rules: Elections will take place at an extremely expedited pace. Instead of elections occurring within 30 days of a union filing its petition with NLRB seeking to represent workers, under these new rules, elections will occur as early as two weeks. Legally, employers have a right to express their opinions during such a campaign, and employees have an interest in being informed, but commentators noted that these new rules so shorten the election period that they would not allow sufficient time for employers to speak or employees to be informed in any meaningful way.

It was commonly predicted that once these new election rules took effect, many employers would be caught unawares by union organizing within the workplace, and that there might not be sufficient time once a petition was filed for an employer to communicate with workers effectively.

A recent Bloomberg BNA [report](#) confirms that the NLRB rules are indeed accelerating the process of union organizing actions, and have accordingly invited a dramatic increase in the number of elections as a result of these new rules. BNA reports that since the rule change was implemented, the median interval from the filing of a petition to holding a union representation election has already dropped to 23 days from 38. The filing of petitions is up 17 percent from the same period a year ago.

A second recent [article](#) by *Law360* echoes BNA's findings, reporting that from April 14 to May 14, following the implementation, 280 petitions for an election were filed, compared to 212 between March 13 and April 13, an increase of 32 percent.

These results underline the urgent need for companies to be sure their policies are reviewed against the latest developments in board law. Employers who anticipate potential union organizing should immediately contact legal counsel to discuss their legal rights before any organizing even begins, in order to undertake appropriate educational efforts within their workforce.

*This document is intended to provide you with general information regarding the NLRB's election rules. The contents of this document are not intended to provide specific legal advice. If you have any questions about the contents of this document or if you need legal advice as to an issue, please contact the attorney listed or your regular Brownstein Hyatt Farber Schreck, LLP attorney. This communication may be considered advertising in some jurisdictions.*

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