

## NLRB Finalizes “Ambush Election” Regulation

December 21, 2011 by [Mark Carter](#)

On December 20, 2011 the National Labor Relations Board (“NLRB”) finalized its “ambush election” regulation, dramatically reducing the period between the filing of a labor union’s petition to represent employees and the election to determine whether the union should be certified. The text of the final regulation was published in the Federal Register and can be found [HERE](#). The U.S. Chamber of Commerce and other associations have already filed suit in federal court to block the implementation of the regulation. This action by the NLRB was anticipated given the immanency of the conclusion of Member Craig Becker’s recess appointment to the NLRB.

On November 30, 2011 the NLRB published a “resolution” that was passed by a 2-1 vote. The resolution forecast the composition of a revised regulation that would shorten the period between the filing of a representation petition by a labor organization and the timing of an election among employees to determine if the union should be certified. The resolution also forecast the limitation of appeal rights by a party to a representation election. If you are currently the subject of an organizing effort the finalization of this rule could dramatically affect the timing of the election at your business and your rights in that process.

Upon concluding our analysis we will report on the sections of the regulation our clients need to be aware of.