

March 2015

NLRB Revised Election Rules Set to Take Effect in April

The revisions to the National Labor Relations Board's (NLRB) union election rules that will make it much easier for unions to organize employees are set to take effect on April 14, 2015. These revisions include, but are not limited to, the following:

- holding preelection hearings within eight days of an election petition
- requiring employers to submit a Statement of Position within seven days of the election petition outlining any legal issues in dispute
- deferring litigation of eligibility and inclusion issues until after the election
- requiring employers to provide an electronic list of employee information to unions, including personal e-mail addresses and telephone numbers

The NLRB majority that promulgated the revisions asserts that these revisions will streamline NLRB procedures, increase transparency and uniformity, and eliminate or reduce unnecessary litigation, duplication, and delay. The NLRB's dissenting members, however, cite numerous negative consequences that may result from running these elections, including the following:

- election now, hearing later – Employers will be unable to address questions regarding who is eligible to vote prior to an election.
- vote now, understand later – Shortened time frame before election prevents employees from understanding significant, relevant issues.
- infringement on employer-protected speech – Quick elections curtail the right of employers, employees, and unions to engage in protected speech.
- impact on employer due process rights – The changes affect the due process rights of employers by altering long-established procedures for adequate notice, introducing relevant evidence, and raising election-related issues.

While there are pending legal challenges and congressional efforts to halt the NLRB's revised election rules, the success of those challenges remains uncertain. Therefore, employers may wish to have a plan in place to address a union campaign well before a union files an election petition.

For more information about these rules, please contact any of the following members of Robinson+Cole's [Labor Relations and Union Avoidance Group](#):

[Natale V. Di Natale](#)

[Matthew T. Miklave](#)

[Peter A. Dagostine](#)

[Susan N. Masters](#)

For other information, please contact any of the following members of Robinson+Cole's [Labor, Employment, Benefits + Immigration Group](#):

[Stephen W. Aronson](#) | [Ian T. Clarke-Fisher](#) | [Britt-Marie K. Cole-Johnson](#) | [Alice E. DeTora](#)

[Katherine C. Glynn](#) | [Sandra Marin](#) | [Nicole H. Najam](#) | [Jean E. Tomasco](#)

Boston | Hartford | New York | Providence | Stamford | Albany | Los Angeles | Miami | New London | [rc.com](#)

© 2015 Robinson & Cole LLP. All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without prior written permission. This document should not be considered legal advice and does not create an attorney-client relationship between Robinson+Cole and you. Consult your attorney before acting on anything contained herein. The views expressed herein are those of the authors and not necessarily those of Robinson+Cole or any other individual attorney of Robinson+Cole. The contents of this communication may contain attorney advertising under the laws of various states. Prior results do not guarantee a similar outcome.