

Labor & Employment Client Alert



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The New Union Election Rules

Train Your Supervisors Shore up Your Defenses

On April 14, 2015, the National Labor Relations Board's much anticipated Representation Case Procedures went into effect. Dubbed by many as "quickie" or "ambush" election rules, the new procedures include changes in the way a union election petition is to be filed, the information that must be submitted with the petition, the responsive information that must be provided by the employer, and the hearing procedures. Most important, however, is the new reality that once a petition is filed, elections will now be scheduled very quickly. It is anticipated that elections will be mandated by the Board approximately three weeks after a petition has been filed. The shortened time frame gives an employer a very limited amount of time prior to the vote to relay information to employees regarding the disadvantages of union representation, the union in question, and employee rights.

For decades, if a union secured enough authorization cards to file a petition, the employer usually had sufficient time to present evidence at a hearing, if needed, and then get vital information to the employees during the election campaign related to collective bargaining, strikes, an employee's union financial obligations, and the overall risks associated with union representation. That has all changed. Given the new limited campaign time, employers should strongly consider planning and implementing union educational sessions for both new hires and current employees on a regular basis in an effort to anticipate potential card-signing efforts. Employers should also be more sensitive to issues that arise in the workplace which, if unaddressed, could result in an increased interest in union representation.

All employers should schedule training for their supervisors to review card-signing procedures, the "dos and don'ts" associated with an organizing campaign, and effective and positive communication points. And finally, employers should review their solicitation policies and other workplace rules to ensure legal compliance with those policies and rules.

Given the new "quickie election" rule, an employer may very well be behind the eight ball if a petition is filed and nothing has been done by the employer prior to the petition. All employers should carefully consider what moves they should be taking now to shore up their defenses, including what they can do now to avoid a problem in the first place.

For further information, please contact [Sidney F. Lewis](#).

Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:

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