

Labor Board Approves New Union Election Rules

Sam Hananel, Associated Press

WASHINGTON (AP) — In a win for organized labor, the National Labor Relations Board on Wednesday approved sweeping new rules that would speed the pace of union elections, possibly making it easier for unions to gain members at companies that have long rebuffed them.

Business groups quickly denounced the move, saying it limits the time that employers have to educate workers about the impact of joining a union. The U.S. Chamber of Commerce and other business groups have already filed a federal lawsuit challenging the rules.

The rules, which take effect April 30, simplify procedures and reduce legal delays that can hold up union elections after employees at a work place gather enough signatures to form a union.

"This rule is about giving all employees who have petitioned for an election the right to vote in a timely manner and without the impediment of needless litigation," board chairman Mark Pearce said.

Unions say the old rules allowed companies to file frivolous appeals, stalling elections for months or years. The new rules could help unions make inroads at businesses like Target and Wal-Mart, which have successfully resisted union organizing for years.

But business groups claim the new plan allows "ambush" elections that don't give company managers enough time to respond.

"This decision erodes employers' free speech and due process rights, and opens the door to rushed elections that will deny employees access to critical information and time to consider the issues at hand prior to entering the voting booth," said Katherine Lugar, executive vice president for public affairs at the Retail Industry Leaders Association.

Most union elections currently take place between 45 to 60 days after a union gathers enough signatures to file a petition. The new rules could shorten that time by several weeks, depending on the situation.

Many employers use the time leading up to an election to talk to workers about the cost and impact of joining a union. But union officials claim the lag time is often used to pressure or intimidate workers against forming a union.

"It's good news that the NLRB has taken this modest but important step to help ensure that workers who want to vote to form a union at their workplace get a fair opportunity to do so," said AFL-CIO president Richard Trumka.

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The rule was approved by the board's two Democratic members. Its lone Republican, Brian Hayes, has not yet cast his vote, but he is expected to cast a dissenting opinion sometime before the rule takes effect.

Hayes is so strongly opposed to the plan that he threatened to quit the commission last month, claiming its Democratic members were ignoring longstanding procedures in their haste to finish the rules.

The final rules were scaled back from an earlier version that would have required employers to hand over to union organizers a list of employees' e-mail addresses and phone numbers.

The board rushed to approve the new rules before the end of the year, when the term of Democratic member Craig Becker expires. The board currently has only three members instead of the usual five, and the Supreme Court has ruled that it can't issue any decisions with less than three members in place.

Congressional Republicans have blocked President Barack Obama from filling vacant posts on the board, and lawmakers have used procedural tactics to prevent Obama from bypassing the Senate to make recess appointments.

The lawsuit filed by business groups late Tuesday claims the board circumvented its own operating procedures to finalize this rule, and that the rule itself short-circuits safeguards meant to ensure fair elections.

"The blatantly partisan purpose of this rule is to ensure that employers have no time to talk to their workers about unionizing, and that the only information workers will get will come from the union," said Robin Conrad, executive vice president of the U.S. Chamber of Commerce's public policy law firm, the National Chamber Litigation Center.

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