

**NLRB REQUESTS INFORMATION FROM PUBLIC,
SEEKS TO UNDO EXPEDITED ELECTION RULES**

On December 15, 2014, the National Labor Relations Board (“NLRB”) published its final rule amending the deadlines and procedures for representation elections. The new rules, which took effect on April 14, 2015, were subject to a lengthy notice-and-comment period, and they were subsequently upheld by federal courts. The rules were meant to avoid delays in the election process by focusing only on major questions concerning representation raised by the parties before conducting elections, rather than litigating all potential disputes up front. They were also meant to ease the filing process for petitioners. Survey information gathered by the NLRB showed that the amended election rules were successful in reducing the delay time between the date the petition was filed and the actual date of election (though this did not immediately translate into more election victories for unions). They have also successfully reduced the amount of litigation regarding representation elections.

Under the Trump administration, the new Board had launched an all-out offensive against workers’ rights, attempting to undo all progress made under the previous Board. The NLRB announced its intention to try to undo these amendments to the election rules on December 14, 2017, when it published a Request for Information asking for public input regarding the expedited election rules. In its request for information, the Board asks (1) whether the Rule should be retained without change; (2) whether it should be retained with modifications; or (3) whether it should be rescinded. This information request is clearly a prelude to an attempt by the new Board to eliminate the election rule.

There is no justification for changing or rescinding this rule, which has succeeded in making elections faster and easier without prejudicing either side. It is essential that supporters of the expedited election rules submit responses to the Board and make their voices heard. We strongly encourage all clients to visit the NLRB’s online portal for comments on the election rules, which are available at <https://www.nlr.gov/reports-guidance/public-notices/request-information>, and to submit a response indicating how the new rule has worked to shorten the time between the filing of petitions and holding of elections. All responses must be submitted on or before February 12, 2018. Anyone interested in submitting a response may file up to 25 pages online (though many of the comments submitted are only one to two sentences long).

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