

# PUBLICATION

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## NLRB Shortening Election Timeline

September 01, 2011

**On June 21, 2011, the NLRB issued a notice of proposed rulemaking that would significantly alter pre-election procedures in NLRB supervised elections. The purposes of the amended rules is to streamline the pre-election process and to expedite elections.**

The rules would make the following changes:

1. Require that pre-election representation hearing be conducted within 7 days after a petition for election is filed.
2. Require employers to identify eligibility issues in a statement of position, which must be filed before any pre-election hearing. Eligibility and unit scope issues that are not raised before the hearing would be waived waived.
3. Eliminate employer's ability to appeal Regional Director's decision regarding eligibility and unit scope issues before an election;
4. Requires employers to provide employee information to unions more quickly and with more detail. Preliminary voter lists must now include name, work location, shift and classification. Final voter list (Excelsior List) must be filed in electronic form two days after direction of election and must now include telephone numbers and e-mail addresses.

It is unclear exactly how much time these proposed regulations would shave from the existing timeline between petition and election, which is currently six weeks. The Board's only Republican dissented to these proposed rules. In his dissent, he indicates that " by administrative fiat in lieu of Congressional action, the Board will impose organized labor's much sought- after "quickie election" option, a procedure under which elections will be held in 10 to 21 days from the filing of the petition. Make no mistake, the principal purpose for this radical manipulation of our election process is to minimize, or rather, to effectively eviscerate an employer's legitimate opportunity to express its views about collective bargaining."

Typically employers favor more time to disseminate their message in response to a union election campaign. Shortening the timeline for employer campaigns limits an employer's ability to effectively communicate with its employees regarding the downsides of unionization. The exact impact of the proposed rules on the election timeline is yet to be determined.