



# The NLRB's New Election Rule – Lessons Learned From the First 150 Days

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# New Rules vs. Old Rules

## Mid-April through Mid-September 2014 and 2015

	<u>2015</u>	<u>2014</u>
• Total petitions	1272	1221
• RC	1021	946
• RD	163	185



# R Case Rule Statistics

## Median days between Petition Filing and

	<u>2015</u>	<u>2014</u>
• Pre-election Hearing	9	13
• Election Agreement	8	10
• Election		
• With election agreement	23	37
• With directed election	30	65
• Certification	35	49



# New Rules vs. Old Rules

	<u>2015</u>	<u>2014</u>
• Election Agmt Rate	94%	92%
• Blocked charges	55	93
• Median size of unit	23	28
• Manual ballots	503	649
• Mail ballots	77(13%)	85(11.5%)



# New Rules vs. Old Rules

	<u>2015</u>	<u>2014</u>
<h2>Election Results</h2>		
• Cases w/ certs	546	758
• Cert of rep	65%	64%
• Cert of results	35%	36%
• RC cases U won	68%	69%
• RD cases U won	40%	40%



## Not Just Quicker

### 72 Decisions After Hearing Directing Election

Median Days: 30

As few as 15 days

Mail Ballots: 16 (22%)



# Processing a Petition Under The New Rule – Takeaways

- Be Prepared And Be Ready To Work Quickly
  - Need employee emails, HR support and campaign resources right away now that notice of election petition is distributed within 2 days of receiving petition.
  - Less than a week to analyze all unit and election issues to either prepare the statement of position and get ready for hearing OR get stipulated election agreement and avoid costly statement of position and hearing.
  - More simultaneous work; no longer sequential.



# Processing a Petition Under The New Rule – Takeaways

- Know Your Region
  - Election scheduling with or without hearing.
  - Any deference to union's requested election date and ballot type?
  - Keeping region in the loop.
- Know The Procedural Requirements
  - Voter list technical and substantive requirements require planning and immediate action.
  - Be on the lookout for electronic election notices.