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***Your Employment Law Bulletin from***

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**KRUCHKO &
FRIES**

February 27, 2012

**Amendments to NLRB Election Procedures Face
Challenge in Congress**

On February 16, 2012, Republicans in the House and Senate introduced legislation in an attempt to block recent amendments to the rules governing union representation elections administered by the National Labor Relations Board (the "Board"). The new rules eliminate certain pre-election rights of employers and shorten the time period for holding union elections from the current standard of 42 days to 20-25 days. Several business groups have filed lawsuits challenging the new rules, which are scheduled to go into effect on April 30, 2012.

The challenge in Congress involves a rarely used tactic called a resolution of disapproval which only needs a simple majority for passage. Although the House version is almost certain to pass, approval of the resolution in the Senate is unlikely given the current Democratic majority in that chamber. Even if Congress does pass the companion resolution, it will almost certainly be vetoed by President Obama. Nevertheless, a vote on the resolutions would force members of Congress to take a public stand on a very volatile issue in an election year.

The chairman of the NLRB, Democrat Mark Pearce, appears to be undeterred by the legal challenges in Congress or the courts. In a recent announcement, Mr. Pearce said he would urge the Board to adopt additional changes to the election procedures by the end of 2012. One change Pearce would like to see implemented is a requirement that companies provide a list of employee phone numbers and emails to union leaders before any election. The chairman also wants the Board to utilize electronic filings and create quicker timetables for certain election procedures.

Attorneys at Kruchko & Fries will continue to monitor developments at the Board and alert you if further changes are forthcoming.

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