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NLRB Continues to Make Things Easier for Organized Labor

By Trent Scofield and Matt Scully

As we reach the end of 2015, recent statistics released by the National Labor Relations Board (NLRB) confirm that it is no longer a level playing field for employers who wish to remain union-free. The "quickie" representation election rules have greatly expedited the election process. During the past 6 months, the average time from petition to election has decreased to only 23 days. That's a decrease of more than 2 weeks (38 days) under the old rules. The NLRB's General Counsel has also recently issued memo guidance that the NLRB will accept electronic signatures that allow unions to demonstrate the necessary showing of interest in order to file a petition for representation election. In today's 24/7 social media culture, it now just takes a couple of clicks to obtain a valid union authorization signature. This certainly makes it make it easier, cheaper and faster for unions to engage in organizing efforts. Prudent employers should take proactive steps to train managers and address key issues affecting employee morale. In this area, an ounce of prevention can help avoid an ambush union election.

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