

Proposed NLRB rule change draws wide support

WASHINGTON, D.C. — The National Labor Relations Board (NLRB) is proposing amendments that will change union election rules and regulations to streamline pre- and post- election procedures.

The most significant reforms proposed include allowing the use of electronic filing for election-related documents, standardizing election timeframes, consolidating the appeals process, and deferring litigation over voter eligibility issues until after the election — exactly the same as elections for political office. Collectively, the new rules are a step toward making it more difficult for employers to intentionally slow down union elections.

The chair of the NLRB, Wilma Liebman, indicated that the change “will result in rules that are simpler, that are clearer, and that come closer to achieving the aim of the National Labor Relations Act: making sure that employees are free to choose whether or not they want to be represented at work, in a quick, fair, and accurate way.”

AFL-CIO President Richard Trumka said the proposed changes are a “modest step to remove roadblocks and reduce unnecessary and costly litigation — and that’s good news for employers as well as employees.”

Trumka described the proposal as a “common sense approach to clean up an outdated system and help ensure that working women and men can make their own choice about whether to form a union.” He expects, however, that given the “poisonous political environment,” there will be a torrent of attacks from politicians and ideologues opposed to any protection of workers’ rights.

“Such opposition is pure politics, part of unprecedented attacks on workers’ rights,” he said. “Whether you’re a teacher, firefighter or nurse’s aide — right-wing legislators and their corporate funders have made it clear that their ultimate aim is to take away workers’ rights on the job.”

True to Trumka’s words, the U.S. Chamber of Commerce responded quickly in opposition, claiming the rules make it too easy for a workplace to unionize.

U.S. Sen. Jeff Merkley (D-Oregon) put things in perspective, however, heralding the proposal as a way to protect the middle class: “This proposed rule change is about fairness — giving workers updated organizing tools they can use to negotiate good wages and good benefits. This is particularly important in an economy where the real median income in America is lower now than it was 10 years ago, and more and more Americans are struggling to make ends meet.”

U.S. Sen. Patty Murray (D-Washington), said: “Workers and businesses across America deserve to have a fair and modern union election process, and the NLRB’s common-sense rule proposal will go a long way toward making that happen. Too many middle-class families across America have been devastated in this economic crisis, and we owe it to them to make sure they have a fair system in the workplace that will allow them to make decisions that are right for them. I’ve seen first-hand that workers and businesses operate most productively when the rules of the game are clear and fair to all sides. The NLRB’s proposed rule changes are a strong step in that direction, and I support them.”

Here are what others had to say about the proposed rule change:

Center for American Progress President John Podesta: “The same crowd that is trying to take away collective bargaining rights in the states is opposing a modest improvement to give workers a fairer, more standardized process for voting to join a union.”

Kim Bobo, executive director of Interfaith Worker Justice: “Without this step forward, anti-union employers have too much power to intimidate workers and stop them from expressing their voice on the job.”

NAACP President and CEO Benjamin Todd Jealous: “In a time where the rights of working families and union members are under assault, and corporations are using extreme tactics to discourage the formation of unions, the NLRB stood up for the hard

working American men and women today.”

Former NLRB member Sarah Fox: “For decades, analysts and commentators have discussed the pervasive problem of delays in the NLRB election process, both between the filing of a petition and the actual election, and between the holding of the election and the certification of results ... These are modest and common sense reforms that seek to address a serious and long-recognized problem.”

The proposed changes would:

- Allow for electronic filing of election petitions and other documents.
- Ensure that employees, employers and unions receive and exchange timely information they need to understand and participate in the representation case process.
- Standardize timeframes for parties to resolve or litigate issues before and after elections.
- Require parties to identify issues and describe evidence soon after an election petition is filed to facilitate resolution and eliminate unnecessary litigation.
- Defer litigation of most voter eligibility issues until after the election.
- Require employers to provide a final voter list in electronic form soon after the scheduling of an election, including voters’ telephone numbers and email addresses when available.
- Consolidate all election-related appeals to the Board into a single post-election appeals process and thereby eliminate delay in holding elections currently attributable to the possibility of pre-election appeals.
- Make Board review of post-election decisions discretionary rather than mandatory.

Comments on the proposed rule changes will be accepted for 60 days, and the Board is holding hearings July 18-19 in Washington, D.C.



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