

NLRB to try again to streamline unionization elections

WASHINGTON, D.C. (PAI) — By a 3-2 vote on Feb. 4, the National Labor Relations Board (NLRB) reintroduced a proposed rule to ensure a more streamlined and fairer union election process for workers.

The proposals will let the board more effectively administer labor law, said NLRB Chairman Mark Gaston Pearce.

“The Notice of Proposed Rulemaking presents a number of changes to representation case procedures aimed at modernizing processes, enhancing transparency and eliminating unnecessary litigation and delay,” he said.

The NLRB passed similar rules in 2011, but the D.C. Circuit Court of Ap-

peals tossed them out after business groups sued. The judges (a majority appointed by Republican presidents) said the board lacked a quorum at the time the new rules were made. Since then, five members have been confirmed to the board, giving it a quorum.

“Unnecessary delay and inefficiencies hurt both employees and employers,” Pearce said. “These proposals are intended to improve the process for all parties, in all cases, whether nonunion employees are seeking a union to represent them or unionized employees are

seeking to decertify a union. We look forward to further exchange of ideas to improve the processes” to benefit work-

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NLRB CHAIR MARK GATSON PEARCE

ers, firms and the U.S.

The NLRB wants to let unions and businesses send documents, including recognition election petitions, electronically, streamline pre- and post-election procedures to facilitate agreement and eliminate unnecessary litigation. It wants to add phone numbers and e-mail addresses to eligible voter lists, called Excelsior lists, that firms must turn over, via the board, to unions filing the required number of signatures.

The NLRB also wants to “consolidate all election-related appeals to the board into a single post-election appeals process.” Right now, firms delay union recognition elections by filing challenges to who can vote, when the vote can occur and other details. They then take their complaints to the board and the federal courts.

Meantime, employers can stall the elections and get months — even years — to conduct anti-union campaigns. The NLRB’s proposal would reduce that time.

Union leaders applauded the NLRB’s proposal.

“The rules were needed then (in 2011), and they are still needed now,”

said AFL-CIO President Richard Trumka. “When workers petition for an NLRB election, they should receive a timely opportunity to vote. But the current NLRB election process is riddled with delay and provides too many opportunities for employers to manipulate and drag out the process through costly and unnecessary litigation and deny workers a vote. These rules are an important step in the right direction.”

The Republican majority on the House Education and the Workforce Committee denounced the ruling, calling it “ambush elections.” It said it would haul the NLRB before the committee on March 5.

Meanwhile, the NLRB set an April 7 deadline for written comments on the new rules. Additionally, the board will hold public hearings on its proposals that week.

Teachers strike averted at Portland Public Schools

Two days before a strike was set to begin, the Portland Association of Teachers announced Feb. 18 (as this edition was going to press) that a “conceptual agreement” was reached with Portland Public Schools on a new union contract.

The deal was reached after more than 23 straight hours of bargaining with a state mediator — and 10 months after bargaining began. The two sides reconvened later in the day to iron out details and put it in writing as a tentative agreement that will go to the union’s 2,900 members for ratification.

Details of the agreement won’t be released before teachers vote on the contract.



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