

# New NLRB rule will reduce delays to union elections

WASHINGTON, D.C. — The National Labor Relations Board (NLRB) adopted a final rule Dec. 12 that would alleviate the delays, inefficiencies, abuse of process and unnecessary litigation that plague the current system

for workers who want to vote on whether to have a union. It will take effect on April 14.

“The modest but important reforms to the representation election process will help reduce delay in the process

and make it easier for workers to vote on forming a union in a timely manner,” said national AFL-CIO President Richard Trumka.

Too often, lengthy and unnecessary litigation over minor issues bogs down the election process and prevents workers from getting the vote they want, he said.

NLRB Chairman Mark Pearce said the rule changes would modernize the representation case process and “fulfill the promise” of the National Labor Relations Act.

“Simplifying and streamlining the process will result in improvements for all parties. With these changes, the Board strives to ensure that its repre-

sentation process remains a model of fairness and efficiency for all,” he said

The new rule:

- Provides for electronic filing and transmission of election petitions and other documents;

- Ensures that employees, employers and unions receive timely information they need to understand and participate in the representation case process;

- Eliminates or reduces unnecessary litigation, duplication and delay;

- Adopts best practices and uniform procedures across regions;

- Requires that additional contact information (personal telephone num-

bers and email addresses) be included in voter lists, to the extent that information is available to the employer, in order to enhance a fair and free exchange of ideas by permitting all parties to the election to communicate with voters about the election using modern technology; and

- Allows parties to consolidate all election-related appeals to the board into a single appeals process.

A similar election rule was issued in 2011 and was due to go into effect in April 2012. But the business community successfully argued that the board lacked a quorum when it issued the rule, which blocked its implementation.

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from the

Columbia-Pacific Building & Construction Trades Council

Willy Myers, Executive Secretary Treasurer

## Lame duck confirmation means NLRB will stay at full strength

WASHINGTON, D.C. — With only days to spare before going into recess, the U.S. Senate on Dec. 8 voted 54-40 to confirm Lauren McGarity McFerran to the National Labor Relations Board.

The NLRB enforces the federal labor law governing private sector unionization. It's led by a five-member board that's appointed by the president and confirmed by the Senate. But in Obama's first term, the Republican mi-

nority used the filibuster to prevent all of Obama's NLRB nominees from ever getting a confirmation vote. That meant the president was unable to replace members when their terms expired. His attempt to use recess appointments to do that was struck down by the U.S. Supreme Court. Just before the NLRB prepared to grind to a halt, the Senate changed its rules, making it harder to filibuster presidential appointments. Obama nominated McFerran in No-

vember after withdrawing his nomination of Sharon Block. Block was one of the NLRB members whose recess appointment was invalidated by the Supreme Court, and Republicans took offense at her renomination.

McFerran was deputy staff director to the Senate's own Committee on Health, Education, Labor and Pensions (HELP). She replaces Nancy Shiffer, a former attorney for the AFL-CIO, whose term expired Dec. 16.

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and a New Year filled with Health, Peace, and Prosperity.

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