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New Rule Accelerating Union Organizing Takes Effect April 14th

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A new NLRB rule, known by pro-business critics as the “ambush election rule,” takes effect on Tuesday, April 14th. The rule makes it easier for unions to organize unrepresented employees through a dramatically shorter time period between the union’s filing of a representation petition and the election. Congress passed a resolution to block the rule in March, but in another victory for labor organizations, President Obama vetoed the Congressional measure.

Under the new rule, unions will have unlimited time to devise their campaign strategy and persuade non-union workers in favor of unionization. Once a union believes it has convinced unorganized workers to join the union, and at a time when the union is confident it has the best chance of prevailing, it will drop the election petition on the employer by filing its petition with the NLRB. The employer then has a compressed timeframe to respond and talk with its employees—as little as two weeks between the filing of an election petition and the election. Under the old rule, the standard timeframe was 42 days, sometimes more. The rule imposes several other new requirements as well. Our previous client alert, found [here](#), provides additional details regarding these requirements.

Employers concerned about potential union organizing should take responsive steps immediately, such as providing training to the company’s management team and supervisors on the importance of a healthy work environment and the potential impact of unionization. Employers should also assess their front line supervisors, including whether they have the skills to manage effectively, and evaluate the company’s communication procedures and employment policies.

While legal challenges to the rule are currently pending in federal courts, including one lawsuit by the U.S. Chamber of Commerce in the U.S. District Court for Washington D.C., and another by a group of trade associations in the U.S. District Court for the Western District of Texas, no court has stopped or delayed implementation of the rules to date.

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