

## **Procedural Changes to the NLRB Representation Process**

**The NLRB's Notice of Proposed Rule Making revises the representation process by removing unfair obstacles so that workers who petition for a vote on whether to form a union can have a vote. The changes in the proposed rule are aimed at ensuring a fair process by cleaning up and modernizing a system paralyzed by delays, bureaucracy, and wasteful litigation. The proposed process is more uniform, transparent, predictable and efficient.**

**The proposed rule:**

- **Provides for a predictable, fixed schedule for hearings, both pre- and post-election, when necessary, in order to promptly resolve issues in dispute when the parties cannot reach agreement.**
- **Allows for better management of the hearing process by discouraging the litigation of frivolous and irrelevant issues and by deferring, until after workers have had a chance to vote, the litigation of the eligibility or inclusion of individual employees affecting less than 20% of the bargaining unit. Hearings will proceed on consecutive days; oral arguments will be encouraged and the filing of briefs discouraged.**
- **Consolidates appeals on election-related issues by eliminating the pre-election request for review and accompanying 25 day waiting period; all pre-election rulings remain subject to post-election review, unless rendered moot. Board review of a regional director's resolution of post-election disputes will be discretionary.**
- **Modernizes the form and timeline for providing voter contact information currently required by the employer to the petitioning union. Shortening the time for production from 7 days to 2 days (given the efficiencies of electronic recording keeping, retrieval and transmission) and including employees' email addresses and phone numbers, if available, will promote an informed electorate; providing their work locations, shifts and job classifications will facilitate prompt resolution of voter eligibility issues. The proposed rule would bar use of this information for any purpose other than the representation proceeding and related proceedings.**
- **Promotes the use of electronic technology to communicate with the parties to achieve economies of time and resources for the parties and the Board.**