



The Ambus Election Rule: What You Need to Know

On Dec. 12, 2014, the National Labor Relations Board (NLRB) issued its final rule in regards to union elections in the workplace. Often referred to as the “ambush” or “quickie” election rule, this law dramatically decreases the time period in which employers can respond to and inform their employees about union elections in their places of business. In fact, under the new rule, union elections can occur within 14 days from when a petition is filed (the current average is 38 days).

The law—which goes into effect April 14, 2015ⁱ—is very harmful for FBS members. In particular, the most onerous provisions of the law do the following:

- Completely eliminate the current 25-day waiting period between the time an election petition is filed and the election itself;
- Force employers to post and electronically distribute a “Notice of Petition for Election” within two business days after receiving notice;
- Require a pre-election hearing to be set within eight days after an election petition is issued; this hearing is limited questions of representation—all other issues must be raised postelection—and may not be addressed at all (see below);
- Eliminate an employer's ability to appeal pre-election decisions;
- Require employers to submit a Statement of Position on all issues raised by the election petition within seven days of receipt (before the pre-election hearing)—all issues not raised will be considered waived;
- Force employers to provide union organizers with the email addresses and phone numbers of all workers eligible to vote in a union election and
- Allow the NLRB to decide whether to address postelection disputes; hearings are now discretionary, not mandatory.

In summary, the new rule—which is now law—requires employers to act very quickly in response to a union’s election petition. FBS members should begin taking preparatory steps **now** to have a fair chance at effectively responding to these activities. This includes having a draft Statement of Position on file, keeping your management team informed of current laws and monitoring your workplace environment.

FBS will keep you updated on any changes to the law.

Contact Information for Labor/Employment Attorneys

For your reference, below are names of attorneys who have experience in handling labor issues, including the ambush election rule.

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ⁱ Several pro-business organizations have filed a lawsuit against the NLRB, challenging its “ambush” election rule. As such, a court or Congress may block enforcement of the new rule until a final decision is made. However, please be prepared for the law to go into effect April 14, 2015.