

Alan B. Pearl & Associates, P.C.

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BIG BOOST FOR UNIONS IS ON THE WAY

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Employers beware! Congress' failure to enact the EFCA legislation – which was intended to substantially improve the likelihood of a union's success in its organization attempts – was not the final move in Washington.

The new democratically controlled National Labor Relations Board (NLRB) has proposed modifications of the election procedure which, if it decides over the course of the next few months to implement them, would streamline the election process in ways meant to aid unions and limit management's ability to respond.

In particular, the modifications would: reduce the timetable from the filing of the petition to the holding of the election by holding hearings more rapidly, speed up the employer's requirement to provide the voter eligibility list and defer the litigation of some eligibility issues, and restrict appeal of some decisions, until after the vote.

Providing a preliminary "voter list" with additional contact information (phone numbers and e-mail addresses) prior to the hearing, combined with the accelerated and more restricted pre-election hearing, will result in elections occurring faster than they do now (most likely within ten days to three weeks). Unions will be able to campaign vigorously **before an election is set up**. A company's time to campaign and inform will be significantly reduced.

What does this mean for employers? Before the rules change and the panic sets in, it is time to educate your supervisors, do a vulnerability audit, and prepare a response kit so you are ready if a union comes on the scene. Expect a change in the rules and anticipate that unions will be energized and begin aggressive organizing activity.

With over sixty years combined experience, the attorneys at **Alan B. Pearl & Associates** are prepared to assist with labor negotiations, grievances, arbitration, and opposing union organization efforts. Services also include preparation and review of employment agreements and restrictive covenants. For more questions about this article please do not hesitate to call Alan at 516-921-3400.

Alan B. Pearl & Associates prides itself on the exceptional and personalized service it provides to clients. There is no "voice mail" - instead, phone calls are returned promptly. The attorneys are well aware that time is critical in labor relations and employment matters.

Alan B. Pearl and Associates, P.C. is celebrating our 35th Anniversary!
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