

RECENT DEVELOPMENTS UNDER NATIONAL LABOR RELATIONS ACT

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Current Board Members



Mark Gaston Pearce,
Chairman

Term Exp. 8.27.18



Kent Hirozawa

Term Exp. 8.27.16



Philip Miscimarra

Term Exp. 12.16.17



Lauren McFerran

Term Exp. 12.16.19

Continuing Impact of *Noel Canning*

NLRB v Noel Canning, 134 S. Ct. 2550 (2014)

- Most, but not all, nullified decisions have been ratified by the Board

Partial invalidation of Lafe Solomon's tenure as Acting General Counsel (January 5, 2011 – November 4, 2013)

Expedited Election Rules

Significant changes effective April 14, 2015:

- Hearings and reviews of RD rulings
- Position statements
- List of eligible voters
- Electronic filing

Electronic signatures accepted for union authorization cards – *GC Memo 15-08 (Revised)*

Impact of Expedited Election Rules

- Board released data from 4.15.2015 – 1.15.2016
- Election petitions filed: 2,020
Decreased 3.7% from same period last year (2,097)
- Median days between filing and election: 24
Decreased 37% from same period last year (38)
- Elections blocked by ULP charges: 82
Decreased 43% from same period last year (144)
- Unions success rate unchanged

The Persuader Rule

- DOL's long anticipated Persuader Rule published on March 24, 2016
- Up to 87 percent of employers engage consultants to counter union organizing campaigns, but DOL received very few reports for attorneys and consultants due to "advice" exemption to employer disclosure requirements under LMRDA
- New rule narrows the exemption – any activities that go beyond plain meaning of advice must be reported

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