

# **FLIP-FLOP AT THE BOARD: WHAT'S GONE, WHAT'S NEW, WHAT'S COMING UNDER THE NLRA**

**Rod Tanner**  
**John Jansonius**

25th Annual Labor and Employment Law Conference | May 10-11, 2018 | Austin, Texas



## **NLRB Members**



### **THE BOARD**

**John F. Ring, Chairman**  
**William J. Emanuel**  
**Marvin E. Kaplan**  
**Lauren McFerran**  
**Mark Gaston Pearce**



# NLRB General Counsel



THE GENERAL COUNSEL

Peter B. Robb

## Expedited Election Rules

- Took effect April 14, 2015.
- Significant changes:
  - 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)*.

## Effect of Expedited Election Rules

- In fiscal year 2014 -- the last full year under the old rules -- the median time from a petition filed to election was 38 days (37 with an election agreement, 59 with contested cases).
- For fiscal year 2016 -- the first full year under the new rules -- the median time from a petition filed to election was 23 days (23 with an election agreement, 35 with contested cases).
- In fiscal year 2017, the median time from petition to election was comparable to 2016.
- Union win rate for elections remains unchanged.

## Trump Board's Request for Information on Election Rules

- On December 14, 2017, the Board published a Request for Information inviting submissions on three questions:
  - Should the 2014 Election Rule be retained without change?
  - Should the 2014 Election Rule be retained with modifications? If so, what should be modified?
  - Should the 2014 Election Rule be rescinded? If so, should the Board revert to the Election Regulations that were in effect prior to the 2014 Election Rule's adoption, or should the Board make changes to the prior Election Regulations? If the Board should make changes to the prior Election Regulations, what should be changed?
- The deadline for submissions was April 18, 2018.

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

## Title search: Flip-Flop at the Board: What's Gone, What's New, What's Coming Under the NLRA

Also available as part of the eCourse

[2018 Labor and Employment Law eConference](#)

First appeared as part of the conference materials for the  
25<sup>th</sup> Annual Labor and Employment Law Conference session

"Flip-Flop at the Board: What's Gone, What's New, What's Coming Under the NLRA"