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# Labor Board Adopts Rules to Speed Unionization Votes

By **STEVEN GREENHOUSE**

The [National Labor Relations Board](#) announced on Wednesday that it had adopted new rules that would speed up unionization elections, its last major policy decision before it drops to two members and can no longer make new decisions. It approved the rules in a 2-to-1 vote.

The labor board said the new rules, which have been in the works for months, would reduce unnecessary delays and litigation, especially in the 10 percent of cases when employers file formal challenges to unionization votes, a move that often delays such votes by a month or more. The new rules are scheduled to take effect on April 30.

The United States Chamber of Commerce said on Wednesday that it had filed a federal lawsuit to block the rules from taking effect, asserting that the move violated the board's own procedures and illegally denied employers their free speech rights by denying them adequate opportunity to make the case against unions.

Katherine Lugar, executive vice president for public affairs with the Retail Industry Leaders Association, said, "This decision erodes employers' free speech and due process rights and opens the door to rushed elections that will deny employees access to critical information and time to consider the issues at hand prior to entering the voting booth."

After President Obama was elected, labor unions began urging the labor board to make procedural changes to reduce the time it took to hold unionization elections. Unions expect that speedy elections would make it easier for them to win such votes, in part because employers would have less time to mount intensive campaigns to persuade employees to vote against unionizing.

"Due to frivolous litigation and delaying tactics, too many workers have had to wait months, or even years, to vote on whether to form a union," said Mary Kay Henry, president of the Service Employees International Union. "The new N.L.R.B. election procedures will help ensure that workers are able to exercise a fundamental right we hold dear in our country — the right to vote."

The two Democrats on the board voted to approve the new rules, and the lone Republican voted against them. The board adopted the rules just days before it will shrink to two members when the recess appointment of one Democratic member, Craig Becker, expires. At that point, the board, which is supposed to have five members, will not be able to make any new decisions or rules.

Republican senators have vowed to block confirmation of any of Mr. Obama's nominees to the board. Many Democrats and union leaders are urging Mr. Obama to make recess appointments for the two nominees he named last week, although Republicans have said they would keep the Senate in session to prevent such a move.

The new rules will, among other things, require employers to postpone their legal challenges to elections until after the workers vote. Under current procedures, such challenges — which often question which workers are in the potential bargaining unit and thus eligible to vote — are often filed before votes are cast. When there are such challenges, the median time from when workers petition for an election to the vote is 67 days, compared with 38 days when there is no challenge.

The final rules omitted numerous changes that the board originally proposed in June.

Richard Trumka, the A.F.L.-C.I.O.'s president, urged the board on Wednesday to move quickly to approve several of those proposed changes, which included giving unions the e-mail addresses and phone numbers of workers eligible to vote.



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