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White Paper
Curbing the Reach of National Labor Relations Board (NLRB)
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I. Summary

The National Labor Relations Board (NLRB) issued a rule aimed at shortening the time needed before a vote to unionize. Legislation disapproving the rule was passed by Congress and sent to the President who vetoed the measure.

II. Background

The NLRB is an independent government agency charged with conducting elections for labor union representation and investigating and resolving unfair labor practices by both employers and unions. The Board is composed of five members appointed by the President to a five-year term.

III. Election Waiting Period

The NLRB finalized its rule that requires pre-election hearings to take place within seven days of a petition to unionize being submitted and that elections must take place within two weeks. Basically it cuts the number of days between when a union files to hold an election and when ballots are cast - from 38 days to 10 days. These are being called snap elections or quickie elections. These proposed election procedures would effectively deny employees the ability to make fully informed decisions about whether to join a union.

The rule also requires that employers provide union and community organizers with the home addresses and telephone numbers, email addresses, work locations, shifts and job classifications of all employees deemed eligible to vote within two days of an election agreement.

Originally this rule was supposed to go into effect on April 30, 2012. However, U.S. District Court Judge James Boasberg threw out the rule saying the Board lacked a quorum when it approved the measure. Boasberg said only two of the three members of the Board required to constitute a quorum actually voted on the rule. However, the U.S. District Court of D.C. subsequently upheld the rule.

IV. AWPA Position

Americans desperately need jobs, yet the NLRB has undertaken an aggressive agenda that threatens employers' ability to create jobs and economic growth. In addition to hindering job creation, some of the NLRB's proposed rules and upcoming decisions would shift control of the workplace away from employers and make them less competitive by limiting their flexibility.

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