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***Your Employment Law Bulletin from***  
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**KRUCHKO &
FRIES**

December 23, 2011

NLRB ADOPTS NEW ELECTION PROCEDURES

On December 21, 2011, the National Labor Relations Board (the "Board") announced that it had adopted a final rule amending its procedures for union representation elections. The new rule eliminates some pre-election rights of employees and employers to allow for expedited elections on the question of union representation. Elections can now be scheduled within 20-25 days of the filing of a representation petition instead of the current standard of 42 days.

The new rule is due to take effect on April 30, 2012. Kruchko & Fries is reviewing the final rule, including the Board's published rationale for adopting the new election procedures. We will soon forward you a more extensive analysis of the procedural changes along with our recommendations for preserving a union-free workplace. In the interim, we suggest employers take the following action:

- **Quick discovery of covert union organizing is now imperative** - Review your union avoidance training for supervisors to ensure they are receiving periodic instruction on the signs of union organizing and how to respond if they see union activity;
- **Effective communication skills are now an essential qualification for every manager** - Assess your leadership team and work with individual managers to improve their communication skills;
- **Revise personnel policies to legally restrict organizing activity** - There are numerous ways to slow down potential organizing by employees and outside union agents. Consult with employment counsel to determine which policies are legal and effective;
- **Communicate your position on unions to employees using various techniques and media** - Employers must seize the initiative in communicating the advantages of remaining non-union. Use new employee orientation, employee handbooks and "Don't Sign the Card" meetings;
- **Create a workplace that fosters employee participation in the operation of the company** - Utilize employee committees to address safety or greater efficiency in operations. Schedule regular "state of the company" meetings to communicate with employees;
- **Survey wages and benefits provided by other employers in your locality and industry** - Company wages and benefits should not be so far below the norm so as to provide organizing issues for union adherents;

- **Ensure that your employees are treated with respect, dignity and fairness** - Audit your employee relations program to ensure that supervisors are treating employees fairly. Discipline must be applied uniformly and there must be equal opportunity for advancement.

THE EMPLOYMENT LAW FIRM OF KRUCHKO & FRIES

Kruchko & Fries is committed to an intensive employment law practice limited to the representation of management in all phases of labor, employment and benefits law, equal employment opportunity law, wage and hour law, occupational safety and health law, and related litigation. Our Firm's practice is concentrated in Maryland, Pennsylvania, Virginia and Washington, D.C.; however, our clients are located throughout the country.

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Speakers

If you are interested in having an employment law attorney from the Law Firm of Kruchko & Fries speak at an event or provide in-house training, then please call us at:

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