

Use Congressional Review Act to Address NLRB Election Rule

Maintaining the balance between labor unions and employers is critical to economic growth and job creation. It seems, however, the National Labor Relations Board (NLRB) has undertaken an aggressive agenda that threatens this balance. Its proposed "quickie" election rule could have a significant impact on the textile services industry.

BACKGROUND

On December 12, 2014, the NLRB Board issued a final rule making dramatic changes in the NLRB's longstanding union representation election procedures (elections held to determine whether or not employees want to be represented by a union). The rule, which goes into effect on April 14, 2015, will shorten the time between the union filing a petition for election and NLRB holding of an election from the current median time of 38 days to as few as 14 days. This effectively limits employers' ability to communicate with employees prior to a representation election.

Some of the provisions of the Board's rule include:

- Requiring that all pre-election hearings be set to begin within eight days after a hearing notice is issued.
- Mandates that employers file a "statement of position" by noon on the day before the hearing begins. The statement of position must include a list of prospective voters with their names, job classifications, work shifts and work locations.
- Provides regional directors with discretion to limit the scope of pre-election hearings by excluding evidence on voter eligibility and delaying the resolution of those issues until after the election.
- Requires an employer to provide, within two business days of the election agreement or decision directing an election, employee personal telephone numbers and e-mail addresses.

TRSA POSITION

TRSA supports the use of the Congressional Review Act (CRA) to invalidate the Board's ambush election regulation. The time has come for Congress to use its oversight policy.

The CRA establishes special streamlined congressional procedures for disapproving regulations issued by federal agencies. Before any rule covered by the CRA can take effect, the federal agency that promulgates the rule must submit it to Congress. If Congress passes a joint resolution disapproving the rule, and the resolution is enacted, the rule cannot take effect or continue in effect.

ACTION

Contact the Chairman and Minority Leader of the Health, Education, Labor and Pensions Committee and ask them to draft a resolution to institute the CRA on the NLRB Election Rule, offer to Co-Sponsor.