

# How Do I Get the NLRB to Conduct a Secret Ballot Election?

To start the election process, a petition may also be filed electronically through the NLRB public website: <https://apps.nlr.gov/chargeandpetition/#/>. A petition and other documents may also be filed with the nearest NLRB office. The petition must show that it has the support of at least 30% of employees in an appropriate unit. An appropriate unit is a group of workers who are logically placed together and share common employment interests for purposes of union representation.

After the petition is filed, the NLRB will work with the parties to get an agreement concerning the appropriate voting group, and the date, time, place, and other details for the election, including the need for foreign-language notices and ballots. If the parties cannot agree on some of these details, the NLRB will hold a hearing and the Regional Director will set the conditions in accordance with the NLRB's rules and decisions.

# Can a Union Be Recognized Without an NLRB Election?

In addition to NLRB-conducted elections, an employer may voluntarily recognize a union if the union requests recognition and offers to demonstrate majority support by signed authorization cards or other means. These agreements are made outside the NLRB process.

# How Else Can the NLRB Help Me?

The NLRB can answer many of your job-related questions. If you file a charge, the NLRB will fully investigate your charge and issue a decision on the merits of your allegations. If your job-related issues involve other laws, an NLRB agent will refer you to the appropriate agency or agencies. In some cases, allegations may implicate more than one law, and multiple state and/or federal agencies may be able to assist you.

# How do I Find the Closest NLRB Office or Contact the NLRB for Help?

The NLRB has field offices located in many locations across the country. You can contact the office closest to you by:

- Going to the NLRB website, which contains the address and telephone number for each field office: [www.nlr.gov](http://www.nlr.gov).
- Using the NLRB Mobile App, which may be downloaded for IOS or Android. Scan this QR code to download the App, which contains the addresses and phone numbers of all NLRB field offices.
- Calling the NLRB toll-free number: **1-844-762-NLRB (6572)**. You will be automatically routed to the nearest field office. Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service by visiting its website at <https://www.federalrelay.us/tty>, calling one of its toll free numbers and asking its Communications Assistant to call our toll free number at 1-844-762-NLRB.



1015 Half Street SE  
Washington, D.C. 20570  
844.762.NLRB • 844.762.6572  
[www.nlr.gov](http://www.nlr.gov)  
Twitter: @NLRB  
[www.facebook.com/NLRBpage](https://www.facebook.com/NLRBpage)



NATIONAL LABOR RELATIONS BOARD

# Protecting Employee Rights



[www.nlr.gov](http://www.nlr.gov)

TOLL FREE  
844.762.NLRB  
844.762.6572

**This pamphlet is designed to provide a general explanation to employees about their WORKPLACE RIGHTS under the National Labor Relations Act**

## **What is the National Labor Relations Board?**

The National Labor Relations Board (NLRB) is an independent federal agency of the United States Government. The NLRB has two functions: (1) enforcing laws to ensure that workers may freely exercise their rights under the NLRA without any interference from employers or unions and (2) holding secret ballot elections at which workers can choose whether they wish to have a union represent them. These laws apply to most non-government employers with a workplace in the United States, including non-profits, non-union businesses, and businesses in states with “Right to Work” laws.

## **What Are My Rights Under the NLRA?**

Generally, workers have the right to join together to improve their wages and working conditions, with or without a union being involved. This means that you can:

- Talk about your working conditions with your co-workers, the public, the media, or a union (but you should not make statements that are deliberately or maliciously false or engage in conduct that is extremely profane, vulgar, or disruptive to workplace order).
- Take action with one or more of your co-workers to improve your working conditions by, for example, raising work-related complaints directly with your employer or a government agency, or seeking help from a union.
- Join a union or take steps on non-working time to help a union become the representative of the employees at your place of work, and help a union bargain for a contract to set your wages and other conditions of work.
- Choose not to do any of these things.

## **What are Some Examples of Things Employers Cannot Do?**

- Fire or demote you, make your working conditions worse, or threaten to do any of these things, because you exercise any of your rights under the NLRA, including bringing a complaint to the NLRB or talking to an NLRB agent about a complaint.
- Prohibit you from talking to others about your wages, working conditions, or a union during non-working time, such as before or after work or during break times.
- Prohibit you from handing out union materials during non-working time and in non-working areas, such as parking lots and break rooms.
- Threaten to close your workplace if workers choose a union to represent them.
- Promise or grant promotions, pay increases or other benefits to discourage union support.
- Prohibit you from wearing union hats, buttons, t-shirts and pins in the workplace except under special circumstances.
- Question you about your union support or activities in a way that discourages you from doing those things, or spy on or record your peaceful union activities and gatherings.

## **What are Some Examples of Things Unions Cannot Do?**

- Threaten you that you will lose your job or some other benefit if you do not support the union.
- In a workplace with a union, refuse to process a grievance because you have criticized union officials or because you are not a union member.
- Refuse to refer you from a hiring hall for a discriminatory reason.
- Encourage an employer to discriminate against you because you have criticized union officials or because you are not a union member.

## **What Can I Do If I Believe My Rights Have Been Violated?**

If you believe an employer or a union has violated your rights, you should contact the NLRB promptly. You will be able to speak with an NLRB agent and ask about possible violations without your employer, union, or anyone else being told about your inquiry. If you choose, you may file an unfair labor practice charge saying that an employer or a union has violated your rights under the NLRA, or the rights of other workers. A copy of this charge will be provided to the employer or the union which is the subject of the charge. We cannot investigate allegations without a charge being filed.

You may file a charge by visiting a field office, by mail, by telephone, or electronically through the NLRB public website: <https://apps.nlr.gov/chargeandpetition/#/>. If you need help, a Board agent will help you fill out a charge form. There is no cost to you to file an unfair labor practice charge, nor do you need a lawyer.

## **When Should I Contact the NLRB?**

If you believe an employer or union has violated the NLRA and wish to file an unfair labor practice charge, you generally must file a charge with the NLRB within six months of the violation. The NLRA contains a six-month statute of limitations, which means that an employer or a union cannot be held liable for conduct that occurred more than six months before the filing of a charge.

## **What Happens After an Unfair Labor Practice Charge Is Filed?**

A Board agent in one of the field offices will be assigned to investigate the charge. The Board agent will generally take sworn confidential statements from the person who files the charge and any other witnesses, and collect other relevant documents, such as disciplinary actions, termination letters, employer policies, etc. The employer or the union will then be asked to provide witnesses for confidential affidavits and documents to support its defense. After considering this evidence, if the NLRB Regional Director finds that the employer or the union has violated the NLRA, he or she will try to settle the case before issuing a formal complaint and going to trial. A settlement may include returning a fired worker to his or her job, payment of lost wages, reversing other improper actions, and/or posting a notice advising employees in the workplace of their rights.

If a trial is necessary, an NLRB attorney will present the case to an administrative law judge and may require employees and others to testify at the trial. The NLRB does not charge for these services. However, if you desire to have your own lawyer, you may do so.