



Christine L. Owens
Executive Director

April 18, 2018

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New York, NY 10038
212-285-3025

Ms. Roxanne Rothschild
Deputy Executive Secretary
National Labor Relations Board
1015 Half Street, SE
Washington, D.C. 20570

Washington DC Office
2040 S Street NW
Lower Level
Washington, DC 20009
202-640-6520

Re: Request for Information, Representation Case Procedure,
RIN 3142—AA12

California Office
2030 Addison Street
Suite 310
Berkeley, CA 94704
510-982-5945

Dear Ms. Rothschild:

Washington State Office
317 17th Avenue South
Seattle, WA 98144
206-324-4000

The National Employment Law Project (NELP) submits these comments in response to the National Labor Relations Board's Request for Information about Representation Case Procedures. NELP is a non-profit research and policy organization that for more than 45 years has sought to ensure that America upholds for all its workers the promise of opportunity and economic security through work. The overwhelming majority of workers for whom NELP advocates are women, people of color and immigrants.

It is on their behalf, and on behalf of all workers who wish to vote on union representation that NELP opposes the attempt to dismantle the NLRB election rules and procedures that took effect on April 14, 2015.

1. The current Representation Case Procedures represent practical and common-sense changes to processing petitions for representation elections.

The old processes by which employees cast votes for union representation were inefficient and inexpedient. They resulted in significant delays in holding elections and the Board was often burdened with unnecessary litigation that took a long time to resolve. The April 2015 amendments helped streamline and simplify the process, eliminated duplicative and unnecessary litigation and reduced delays.

These procedures were of particular importance to low-wage workers, who make up over 25% of the workforce and in which the bulk of new job growth is concentrated in low-wage industries. Of all workers, they are least able to endure lengthy processes and added pressures surrounding union organizing campaigns when they want representation and the 2015 amendments were a necessary step to making it easier for workers to join unions, especially those who need it.

2. The 2015 rules succeeded. They reduced the number of days between the filing of petitions and actual elections.

Under the old rules, the median number of days between an election petition being filed and an election was 38 days. Now, it is 23 days. This streamlining has had the intended effect of making the process more efficient and allow employees to vote on a more timely basis.

And as you can see, employers still have over 3 weeks to communicate with workers about their views on unionization. Thus any argument that the new amendments disproportionately weaken the voice of the employer are without merit.

Again, streamlined election procedures are of particular importance for the low-wage workforce. They are the most economically vulnerable workers in our country, have unusually high rates of turnover, and experience more workplace violations and retaliation at the hands of employers than workers in other industries. Their rights to organize must be scrupulously guarded and the 2015 Rules provide better safeguards of their rights under the NLRA.

3. The new election system is functioning properly, and as intended.

Under the 2015 Rules, employers and unions continue to reach agreements in 92 percent of the petitions that are filed, which is identical to the percentage as before the amendments were filed. Therefore, the streamlining which occurred under the new amendments had the intended effect of making the process more efficient without sacrificing the rate at which employers and unions agree. This is good for workers AND employers. If the results are essentially the same, employers are saving the time and expenses inherent in the extra 15 days that elections are now streamlined.

The 2015 Rules also updated the technology the Board uses so that petitions can be filed and served electronically, and they simplified other rules that were ambiguous and the source of unnecessary litigation, reforms which also save time and money for all concerned.

Finally, the 2015 Rules also require that petition and election objections be supported and served on other parties, make board procedures more transparent, clarify issues in disputes, and reduce litigation expenses incurred by parties. No party to the representation election process is served by abandoning these reforms that benefit all stakeholders.

For these reasons, NELP opposes any effort to undermine the 2105 rules . Please contact Judy Conti at 202-640-6517 if you have questions about these comments.

Sincerely,

A handwritten signature in cursive script that reads "Christine L. Owens".

Christine Owens
Executive Director