



Industry Today Features Tom Scroggins and Allison Hawkins Discussing New Union Election Rules

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With new rules set to overhaul how employers respond to union election petitions effective December 26, Tom Scroggins and Allison Hawkins authored an article published by Industry Today on October 30, 2023, offering insight and guidance on the new “fast and furious” election process.

“A union delivers a letter demanding a company recognize it as the exclusive bargaining agent for its employees and encloses a petition with what appears to be 70 percent of the employees’ signatures designating the union as their bargaining agent. This will be the way most unions will commence the recognition process for the foreseeable future, and employers may be ill-prepared for this new world,” Scroggins and Hawkins wrote.

Going forward, the time from a union election petition to an election will be much shorter, and the cost of unfair labor practices will be much higher. Following the National Labor Relations Board (NLRB) decision in *Cemex Construction Materials Pacific, LLC*, employers will have only 14 days after receiving a demand for union recognition supported by a majority of employees to either (1) recognize the union or (2) file an employer petition for election with the NLRB. This 14-day timeline is much shorter than the four-to-six-week window employers could expect prior to *Cemex*.

“The new representation case’s procedures rules largely reinstates the 2014 ‘quickie’ or ‘ambush’ election rules and sets an aggressive timeline for the election, restrains consideration of procedural

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matters prior to the election, and forces the employer to rapidly consider important pre-election issues, such as the specific details of the election, unit composition and voter eligibility,” Scroggins and Hawkins explained.

Among the new strategies employers should consider under this restricted timeline are:

- Behave as if a union election campaign is ongoing at all times;
- Train supervisors on an ongoing basis on how to engage with employees on the topic of union organizing and the company’s position; and,
- Educate employees on what a union authorization card looks like and what it means so they will not sign out of ignorance or deceit.

For the full article, please [click here](#).