

NLRB Publishes Final So-Called 'Ambush' Elections Rule

15 December 2014

Employment Alert

On December 12, 2014, the National Labor Relations Board (NLRB or Board) voted 3-2 to issue a final rule to amend its representation election procedures. Among other things, the rule shrinks the time period between the date a union election petition is filed and the date the election is held. More significantly, the rule requires employers to provide a near-instantaneous substantive legal and factual response to an election petition — with the failure to do so resulting in a waiver of the employer's right to raise substantive legal arguments to contest the election. Because the rule provides employers minimal time to respond to an election petition, employers should begin taking preparatory steps now so that they have a fair chance to respond to a union's workplace organizing efforts.

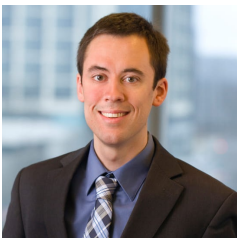
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