

WITH UNION PETITIONS UP, GET YOUR MESSAGE OUT...NOW!

News

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Steve Bernstein was quoted in *HR Executive Magazine* on June 8, 2015. The article "With Union Petitions Up, Get Your Message Out...Now!" discussed whether or not the prediction of a surge in the number of representation petitions filed with the National Labor Relations Board (NLRB) by unions, held true after the NLRB's "quickie-election rules" which went into effect on April 14.

Steve was quoted on the outcome of the NLRB's "quickie-election rules."

What's also interesting to note is that the petitions didn't come flooding in starting on April 14. On the contrary, said Steve, "in the first two weeks after the rule, the numbers of petitions filed were flat, maybe even down some; only in the last two to three weeks have we been seeing them really climbing."

So what does that mean? It means even the unions needed some time to figure out all the new procedures contained in the new rules. "It's been a learning curve for everyone," Steve said.

Steve called this "front-loading the message."

Employers, he said, "have the opportunity to use this [albeit shorter] period of time to take the initiative away from the union."

Some companies, in fact, are getting ready for the NLRB before the NLRB even comes knocking. They're getting all the new data being asked for — employee emails, phone numbers, work histories, job classifications, etc. — collected

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and collated now "so they're positioned to be standing on 'Go' when the petition arrives and can use all their time getting their message out," said Steve. He recommended that you:

"start from the standpoint that, with the new rules, comes a new petition form giving unions the opportunity to request the earliest election dates possible, usually two weeks out. So you, the employer, can posit the question, 'Why is this union trying to move so fast on something so important to your lives and the lives of your families as this?' "

In terms of the new administrative and disclosure requirements contained in the rules, he said, rather than focusing only on scrambling around trying to meet them all, think about taking this approach:

"In many circles, the kind of employee data they're now demanding from employers would look like an invasion of privacy. So you can put out the immediate message, 'They're not even here yet and look at the personal information they already want on you. Why do they want all this from us?' "

You don't even have to wait for a petition to start the conversation. In addition to getting all your data ducks lined up, you can join with the many companies Steve is already seeing "embracing the notion that it's OK to talk about this, now, with employees," sooner than later, he said.

Nothing wrong with telling your employees, "Let's have this union dialogue now," he said, especially in businesses and industries where unions are dominant. Some companies are even fashioning tailored, customized videos along these lines to go with their orientation processes, i.e., why no union is better than representation.

"You're really trying to establish this line of communication, getting them used to hearing about this, so it doesn't just sound like a defensive move after the petition has arrived," Steve said.

To read the full article, please visit [HR Executive Magazine](#).