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# NLRB's New "Quickie" Election Rules: Preparing for Rapid Response to "Ambush" Elections Under Complex Rules

Establishing an Action Plan, Drafting Critical Communications  
and Minimizing the Risk of Organizing Under Union-Friendly Rules

WEDNESDAY, JUNE 17, 2015

1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

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## **STRAFFORD SEMINAR JUNE 17, 2015**

### **Communicating With Eligible Voters Under The New NLRB “Quickie” Election Rules (Post-Petition)**

**Presented by: David Phippen, Esq.**

#### **I. THE FOUNDATION FOR COMMUNICATION**

##### **A. Supervisors and Supervisory Training**

1. There should be no doubt with regard to who are “legal supervisors” -- pin that down as soon as possible so that supervisors may be part of the employer’s campaign and that communications with employees who are not supervisors do not generate objections or unfair labor practices. Generally, “when in doubt, leave them out” until their status and non-eligibility to vote is clear. In question positions (the “gray area”): lead persons, shift leaders, foremen, crew chiefs, charge nurses and the like.
2. Front Line Supervisors should be trained with regard to each of the following:
  - (a) Status as legal agents of the Company.
  - (b) Their role in the election campaign.
  - (c) The legal “do’s and don’ts” so they can avoid “legal paralysis” and play an effective role.
  - (d) Key information for campaign.

##### **B. Other Managers**

Who should be actively involved and what role they should play will depend on the situation and on the calendar. On-location/in-area management will play a key role. Ideally, a manager above the level of local manager, who is credible and perceived to be in a position of authority, should play a key role in communicating important information about the union to employees.

##### **C. The Employer’s “Readiness/Action Plan” Should be in Place and Activated**

1. Manager/supervisor vacations – cancelled. Any labor consultant under contract and on the ground.

2. Copies of an outline of legal “do’s and don’ts” should be on hand for distribution to supervisors.
3. If not already done, quickly contact one of several sources (e.g., BNA Plus, Labor Relations Institute) for key information on the union (International and Local) and conduct internet research. This information could include:
  - (a) Union financial reports (USDOL Forms LM-1 and LM-2).
  - (b) Copies of union constitution and any available by-laws.
  - (c) Strike information included in news articles and video clips from television news.
  - (d) News articles and other information regarding union facilities that closed.
  - (e) NLRB area election reports for at least a three (3) year period.
  - (f) Copies of the union’s collective bargaining agreements (ideally with similar businesses).
  - (g) News articles and television clips regarding the international or local union corruption.

**D. Management and Advisors Get on the Ground and Up to Speed**

1. Meet with local/area manager to get fact update.
2. Become familiar with physical layout and territory.
3. Review location’s/area’s practices and rules regarding solicitation and distribution.
4. Check on the availability of bulletin boards and electronic communications.
5. Review location/area hours, shifts, organizational chart, employee demographics, et cetera.
6. Review and solve any questions regarding legal supervisory status.

7. Identify issues that may have caused the petition and legal means to deal with them. Interviews with supervisors are the best source. The supervisor should be asked:
  - a. His/her opinion of what departments or groups would likely be pro-union;
  - b. To identify employees he/she believes may be involved; and
  - c. To identify employees he/she believes would openly oppose the union.
8. A plan should be developed and implemented to address issues to the extent legally and practically possible.
9. Investigate and decide if there are community leaders or organizations, such as the local Chamber of Commerce, or employer associations in the area that could be of assistance.

## II. COMMUNICATING WITH EMPLOYEES

### A. Essential Campaign Communication Components

1. Restore credibility and trust; lawfully identify and address issues.
2. Provide factual information to employees so they can make an informed decision.
3. Respond, when appropriate, to union allegations, promises and other propaganda.
4. Assess and count the voter-audience sentiment regularly through meetings with supervisors.

### B. Gathering Information to Use

Keep gathering and using as much information on the union as soon as possible:

1. Financial reports (USDOL Forms LM-1 and LM-2 sometimes available on-line).
2. Constitutions and by-laws (available at USDOL and sometimes on-line).

3. Strike history.
4. Election reports.
5. Collective bargaining agreements.
6. Closed plants, layoffs etc.

C. The Informational Campaign

1. The informational campaign should begin immediately as of the petition (if not sooner). There is no time to waste.
2. It generally will consist of nearly daily meetings, or smaller “roundtables,” with employees and supervisors and/or managers that focus on one or two primary themes, issues, or facts.
3. Videos, flip charts, multi-media presentations, and/or overheads can and should be used in roundtables.
4. The meetings generally should be supplemented with materials to communicate facts and address claims made by the union:
  - a. Handouts/Flyers
  - b. Posters
  - c. Bulletin board notices
  - d. Letters to employees’ homes (home visits prohibited for employers, allowed for unions).
  - e. Emails

D. Key Pieces of Information to Communicate in Campaign

1. Reiteration of employer position if opposing union and why.
2. The union’s real interest in employees is money – their money. Discuss dues, fees, assessments, fines, et cetera.
3. If not a right-to-work state, mandatory union membership under a union security provision is likely to be demanded by the union and the NLRB supports this.

4. How union collects dues check-off.
5. How union spends money collected – on themselves.
6. Lose right to represent and talk for self. Lose right to deal directly with management. Explain the legal concept of exclusive representation.
7. Union cannot make good on promises; cannot guarantee anything.
8. Union wins only the right to bargain (to ask) not get.
9. Bargaining is a two-way street – employees can and do often lose. Explain bargaining in detail, with the up or down concept included.
10. Strikes
  - a. If possible, show union strike history.
  - b. Explain how a strike affects employees.
  - c. Explain that employer will operate during strike, including the right to hire permanent replacements.
11. Unions don't provide job security, but can create job insecurity. Only customers provide job security.
12. Impact of “union shop” atmosphere on quality of work life and flexibility to respond to market conditions.

E. Management Briefing on “24 Hour” Rule

The NLRB views the 24-hour period immediately prior to the opening of the voting polls as a special period when voters should be free from captive audience speeches about the union by the employer. Any speeches/talks/presentations to multiple employees about union matters must END not less than 24 hours before the first voting starts in order to comply with the NLRB's 24 hour rule. Thereafter, all management discussion with employees regarding the union must be limited to a one-on-one basis. No representative of management should meet with an employee in an office or other location associated with management power (i.e., a manager's car) for the purpose of any one-on-one meeting. The NLRB would likely find the meeting coercive. Group meetings for other purposes are permissible, but not preferred and if anyone mentions the union he/she should be advised it cannot be discussed.

F. “25<sup>th</sup> Hour” Speech

The last group meeting (often called a “24” or “25<sup>th</sup>” hour speech), in accordance with the NLRB 24 hour rule, must be concluded not less than 24 hours before the polls open, and generally contains these elements:

1. A detailed explanation of the voting procedure.
2. An illustrated explanation of the importance of voting.
3. An explanation of employees’ right to vote “no,” regardless of having signed a card or other involvement with union.
4. A summary of key reasons that union is not in best interest of employees. (A slide presentation or docudrama video is a very effective means of doing this.)
5. A personal request for their vote – a sincere request for support from the location/area manager and perhaps other managers.

#### G. Election Eve and Election Day Campaign

Generally, extensive one-on-one discussions generally should take place between managers, supervisors and employees. Management should reflect a serious but confident attitude. Statements like the following generally should be made to employees:

1. I want your support.
2. I will appreciate your support.
3. I’m counting on your support.
4. I want you on the winning side.

#### H. Prohibited Areas

To ensure that a sterile environment exists on election day, the NLRB prohibits all “supervisors” from entering the voting area during polling. Also, campaigning to any employee in line to vote could violate an NLRB electioneering rule. It is best for manager and supervisors to avoid being close to the voting area during the voting times.

#### I. Getting Out the Vote

Maximum voter participation generally favors the employer. Ensuring sure that all eligible employees have a chance to vote is important to the employer’s chance for success. Management

should be prepared to provide work coverage so that each working employee has time to vote. NLRB-made law prohibits management from asking an employee whether the employee has voted or intends to vote. But the employer can make the opportunity to vote known and easy for the employee.

### III. SAMPLE CAMPAIGN SCHEDULE (ASSUMES 14 DAYS)

#### Day 1 – Summary Overview Speech to All Employees

Coverage: A summary of union dues, what the union spends its money on, the exclusive representation concept, collective bargaining, and strikes. Key points that might be briefly discussed are:

- a. The union is a business that depends on money from employees.
- b. Unions are on the decline.
- c. Exclusive representation.
- d. The affect of a union on the quality of work life.
- e. Collective bargaining.
- f. An introduction to strikes

#### Day 2 – Summary Overview Flyer

Distribution of a flyer, with supervisor talking points for discussing various points that were made in the Day 1 meeting.

#### Day 3 – The Union As A Business and the Exclusive Representation Concept

Coverage: Explaining how unions obtain money and spend it (using the union's DOL Form LM-2 financial report) in one or more group speeches/presentations. The concept of exclusive representation will be summarized.

#### Day 4 – Union As A Business/Exclusive Representation Flyer

Development of a flyer, with supervisor talking points, for discussing various points that were made in the Day 3 meeting.

#### Day 5 – Union Constitution/By-Laws Issues and Unfair Labor Practice Charge Presentation



Coverage: Explaining how the union uses its constitution and by-laws to control its members (for example, strike enforcement with fines) with a speech/presentation. The speech/presentation also would cover unfair labor practices filed against the union by employees.

#### Day 6 – Union Constitution Flyer Showing How Employee Rights Are Affected

Sections on dues, fees, assessments, fines and union discipline for conduct will be highlighted.

#### Day 7 – Collective Bargaining -- How It Works Speech

Coverage: The basics concerning collective bargaining would be summarized in this speech/presentation. Employees learn that bargaining is a risky, uncertain process that can have good or bad results for employees.

#### Day 8 – Flyers and talking Points on Collective Bargaining

Examples concerning collective bargaining would be illustrated. Employees can win or lose.

#### Day 9 – Speech/Presentation on Strikes

Coverage: Employees learn what happens during a strike such as, no pay, no benefits, and the possibility of being permanent replacement. Specific examples of some unfortunate outcomes would be provided.

1. No agreement equals possibility of a strike.
2. Possible unemployment insurance and even food stamp issues.
3. Option of permanent replacements if engage in an economic strike.

#### Day 10 – Flyers/Posters And Talking Points Concerning Union Strikes

Flyers regarding strikes to be distributed by supervisors.

#### Day 11 – Union Trouble Stories Presentation

Coverage: News stories illustrating the disappointment suffered by union-represented workers.

#### Day 12 – Union Trouble Stories Flyers

Handouts regarding strikes/plant closings/union control to be distributed by supervisors.

#### Day 13 – Union Trouble Stories/25<sup>th</sup> Hour Speech

Coverage: In this presentation, a senior manager will discuss the pros and cons of unionizing a final time, clearly setting forth that the employees' choice would not affect the company's need to be sensitive to market demands controlled by customers, but it might significantly affect the employees. The election process and the importance of voting would be explained.

#### Day 14 – Voting Day

Supervisors will have prepared talking points and flyers will be distributed to fit the then-current situation.

### IV. WHAT SUPERVISORS CAN AND CANNOT SAY AND/OR DO CONCERNING UNIONS

#### A. Employer Speech

One of the toughest questions employers face in an organizing battle is what they can or cannot say to employees. Generally speaking, an employer may make any statement of **F**act or expression of **O**pinion or relate **E**xperiences as long as the statement is not 1) a threat, 2) a promise of benefit, or 3) made in the form of a question about union activity or sentiment. For a statement to be defensible as free speech, it must simply be the employer's prediction of what could happen if the union were to get voted in, not a threat that the employer has the ability to carry out. The following **DO's** and **DON'Ts** will serve as guidelines in your day-to-day dealings with employees working under your supervision.

#### B. What Supervisors **CAN** Say and Do (**F**acts, **O**pinions, **E**xperiences) -- **The "FOE" Rule**

1. Tell employees that the employer is opposed to the union and that the employer would prefer to continue to deal with employees directly, rather than through some outside organization such as a union.
2. Inform employees concerning wages and benefits they now enjoy without having to pay dues to an outside organization. (Avoid making promises or threats.)

3. Inform employees about the history, background, and character of the union and its officials or representatives. (Do not misrepresent the facts – stick with the truth!)
4. Tell employees about any experience the supervisor or other persons have had with unions in the past. (Do not speak of termination, layoffs, plant shutdowns, or other such adverse actions unless it is made clear that these things took place for economic or other legitimate “business” reasons.)
5. Answer any false or misleading statements made to employees by a union organizer or representative.
6. Tell the employees that the supervisor feels that both the employees and the employer can make more progress by working together without the disruptive influence of a union.
7. Explain that belonging to a union costs money in the form of union dues, initiation fees, fines, and other assessments.
8. Explain that being represented by a union does not automatically result in any wage increase or other improvement in benefits or working conditions.
9. Make it known to the employees that the union has the right to promote a strike. Tell employees that, if they get pulled out on strike, they will not receive wages from the employer.
10. Also, make it clear that the employer has the right to hire other persons to permanently replace employees who engage in an “economic” strike. (Do not tell employees that they can be discharged or otherwise penalized for engaging in a strike.)
11. Enforce rules against violators as in the past, including the uniform enforcement of valid no-solicitation/ distribution rules.

C. What Supervisors **CANNOT** SAY OR DO CONCERNING UNIONS --  
**The “SPIT” or “Tips” Rule**

There are essentially five things supervisors cannot lawfully do or say to employees concerning unions. They **CANNOT** (1) **S**py, (2) make **P**romises, (3) **I**nterrogate, (4) **T**hreaten, or (5) Discriminate against employees because of their union activities or sentiments. For example, supervisors **CANNOT** lawfully:

- 1.. Promise employees a wage increase, more overtime, better treatment, a promotion, or any other improvement in benefits or working conditions to induce them to refrain from engaging in union activities; e.g., signing a union card, attending a union meeting, or joining a union.
2. Tell employees that, if they engage in union activities, they could lose their job, be discharged or demoted, have their pay cut, or otherwise be penalized by the employer.
3. Tell employees that, if the union comes in, the employer might have a layoff or close down.
4. Tell employees that, if they engage in union activity, it could keep them from getting a job elsewhere (blacklisting).
5. Ask employees questions about union activities; e.g.,
  - a. How they or other employees feel about the union,
  - b. Whether they or other employees have signed union cards,
  - c. How many employees would vote in favor of a union in an election,
  - d. Whether they or other employees have attended union meetings or engaged in other union activities.
6. Attend a union meeting, drive by a union meeting place to see which employees are attending a union meeting, or otherwise give the impression of spying on union activity.
7. Make statements to employees indicating that the supervisor has spied, or could spy, on union activities, or knows what union activities employees have engaged in.
8. Ask an employee to spy on any union activity for the employer.
9. Discharge, lay off, transfer, cut hours, or otherwise change conditions of employment of employees because of their union activities or sentiments. The employer is prevented only from discriminating against them and is free to continue to enforce otherwise lawful rules, policies, and practices.

## V. SOME CLOSING POINTS

A. A question mark on any campaign communication, flyer, or handout is dangerous. Why? Possible interrogation evidence. Change it to make a lawful statement and not a question.

B. Statements about “facts” in the future are dangerous. Why? Possible evidence of an implied threat or promise. True statements about past facts/events based on real economic factors are generally lawful. So when it comes to what unions do, talk about the past can be safer than talk about the past.

C. The unions use full-time organizers for their campaigns. Can the employers match that experience on a one-off election basis without hired help? Probably not too often for most employers. Use of an experienced labor consultant and a legal team to navigate the campaign landscape may pay big dividends.

D. Drafting campaign communications that are lawful in the eyes of unions and the NLRB is difficult for individuals who are not highly skilled in the art. Seriously consider having every prepared speech, presentation, flyer, handout or other campaign communication reviewed by experienced legal counsel before it is used. Otherwise, that communication may be “Exhibit 1” in a post-election NLRB hearing, a costly hearing the employer generally wants to avoid.

E. The USDOL is expected to issue its final “Persuader Regulations” later this calendar year. The anticipated regulations will likely require greater financial reporting of all employer expenditures for labor relations advice and consulting in connection with NLRB campaigns. The regulations are expected to eliminate the “advice” exception from the reporting requirements of the Labor Management Reporting and Disclosure Act (“LMRDA”). Elimination of that exception is expected to impact the relationships between employers and their legal counsel who provide legal advice and who do not act as “persuaders” of employees under the current USDOL interpretation of the LMRDA. It may also impact how campaigns are conducted and result in an increase in (1) election objections based on employer conduct, (2) unfair labor practice charges against employers, and (3) bargaining orders by the NLRB, as some employers may choose not to secure legal advice during campaigns in order to avoid the LMRDA’s onerous reporting requirements. **Be ready for new Persuader Regulations.**

F. This outline is based on current NLRB regulations and decisions of the NLRB in the past. The current majority of the NLRB is rapidly changing the law and reversing years of precedent. Nearly all of the changes are pro-organized labor. Thus, in “close call” situations, employers should not expect that the NLRB, if given the chance, will look favorably on any employer campaign conduct. Indeed, it is possible that some current members of the NLRB majority hold a view that employers have no right to even to participate in representation matters before the NLRB (because in that view representation is simply a matter between the employees and the union).

G. The new NLRB election rules put an array of new requirements on employers and create a minefield of potential problems early in the campaign. Compliance with the requirements can be a nearly full-time task for the employer, legal counsel, and a labor consultant, so there is a huge premium on early preparation of the campaign communications plan, should a union appear on the scene and a petition be filed.

**Ambush at the NLRB:  
Election Rule Slashes Time for Workers to Make Informed Choice**

**By Timothy M. McConville, Esq.\***

Implementation of the National Labor Relations Board's ambush election rule is in full swing, and, after seven weeks of experience under the new rule, NLRB case data reveal a dramatic reduction in the time between the filing of a certification petition and the NLRB's conduct of an election.

**Conclusions: Analysis of Representation Cases Shows 35% Reduction in Campaign Time.**

An analysis of petition filings and other NLRB docket activity over 2014 and 2015, including in 222 representation cases filed at the NLRB during the period beginning April 14, 2015, the effective date of the new NLRB rules, and ending June 5, 2015, shows a dramatic impact on the time available to employees to become informed about how a union will affect their lives in the work place:

- Comparing the period April 14 through June 5 (the "Relevant Period") in 2014 with the same Relevant Period in 2015, the median number of days from petition to election at a polling place (excluding mail-ballot elections) declined by 35 percent. The median number of days between petition and election for petitions filed in the Relevant Period in 2014 was 38, and the median number of days for petitions filed in the Relevant Period in 2015 was 24. (Chart 1.)
- Comparing the Relevant Period in 2014 with the Relevant Period in 2015, the average number of days from petition to either polling-place election or counting of mail-ballots declined by 35 percent. For petitions filed in the Relevant Period in 2014, the average number of days between petition and polling-place election or mail-ballot counting was 41.4, and for petitions filed in the Relevant Period in 2015 in which an election was scheduled as of June 5, 2015, the average number of days was 27.2. (Chart 2.)

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- The average number of days between petition and scheduled election in representation cases filed during the Relevant Period in 2015 in which an election at a polling place was scheduled as of June 5, 2015, was 24.8 days. (Chart 3.)
- The average number of days between petition and scheduled counting of mail-ballots in representation cases filed during the Relevant Period in 2015 in which a mail-ballot election was scheduled as of June 5, 2015, was 37.7 days. (Chart 3.)
- In representation cases filed during the Relevant Period in 2015 in which either a polling-place election or counting of ballots in a mail-ballot election was scheduled as of June 5, 2015, the average number of days between petition and scheduled election or ballot counting was 27 days. (Chart 3.)
- During the Relevant Period in 2015, the rate at which unions won representation elections in 71 elections as reported as of June 5, 2015, was 62.0 percent, which is within the recent historical range of unions' win rates. Based on NLRB historical data, in the NLRB's fiscal years 2004 through 2013, unions' average win rate in representation elections was 63.3 percent, with the highest percentage of 68.5 percent occurring in 2009 and the lowest percentage of 57.2 percent occurring in 2004.

**Analysis: On Average, Workers' Time for Learning About Unions Will Be Cut by Two Weeks.**

The Board's final rule does not mandate that an election occur within a certain period of time, but the new procedural requirements for the filing and processing of representation petitions has caused a dramatic reduction in the average and median times between the filing of a petition and the conduct of an NLRB secret-ballot election. In the years 2004 through 2013, the median time between petition and election was 37-39 days. From 2010 through 2013, the median time from petition to election was 38 days.

Under the new rules, for the Relevant Period, the median time between petition and a polling-place election was 24 days, and the average time between petition and either a polling-place election or mail-ballot election was 27.2 days. The reduction by 35 percent of the average and median times between petition and election is a dramatic change for workers and employers. On average, employers have 14 fewer days to communicate with their employees about how a union can and will affect the working lives of employees. In addition to having far less time during which to communicate with employees, employers have a dramatically increased administrative burden that they must carry at the same time that they are engaging with employees about the election issues. The new rules require, among other things, that the employer file a written position statement within seven days of the filing of the petition in order avoid waiving the employer's legal arguments.



For their part, employees have an average of 14 fewer days to become informed about union rules, union dues, bargaining, how unions really operate, and other issues, before they make their decision. Employees are often unschooled in how unions and collective bargaining actually affect workers, and the reduction in time available for them to learn important details will prevent many from making a fully informed choice.

The effect of the new NLRB rule on union win rates also could be significant. In union organizing drives, organizers often conduct their activities underground and employers have no hint of organizing activity until the union files its petition at the NLRB. The NLRB's election data show that, under the Board's old rules, unions' average win rate during the period 2004 through 2013 was 63.3 percent. By effectively shortening the time between petition and election, the NLRB rule is expected to increase organized labor's win rate. Time and future election results will tell whether that expectation will be fulfilled.

The early election-results data are incomplete, but based on NLRB docket information, during the Relevant Period in 2014, the Board conducted 240 elections, and during the Relevant Period in 2015, as of June 5, 2015, the Board had conducted 71 elections and had an additional 151 elections scheduled. The results in the 151 remaining elections, as well as the results in other cases filed since the Relevant Period in 2015, will determine whether the new rule will produce a higher win rate for unions. So far, based on NLRB's reported docket activity as of June 5, 2015, the unions' win rate of 62 percent in the 71 elections completed as of June 5, 2015, is consistent with unions' 10-year average win rate of 63.3 percent. With more cases over time and more complete docket information, the data will enable more confidence in analytical conclusions relating to election results, which will permit more focused employer strategies.

The NLRB rule, also known as the "quickie election" rule or the "ambush election" rule, eliminates pre-election evidentiary hearings and requests for review and defers decision on virtually all issues relating to appropriateness of units and voter eligibility now decided at the pre-election stage. The rule also expands the personal information relating to employees which employers are required to disclose to unions in voter eligibility lists known as "Excelsior lists." Specifically, the Board will require that both telephone numbers, including mobile phone numbers, and email addresses, if available, be included along with employees' names and addresses. In addition, the NLRB now requires that the employer disclose the employee's work location, shift, and classification.

### **Methodology.**

The results stated above are based on NLRB reports and docket activity as of June 5, 2015, in the cases identified in Tables 1 and 2 at the end of this article. The NLRB reports and dockets are available at [www.nlr.gov](http://www.nlr.gov). Dates of election and mail-ballot vote counting for cases filed during the period April 5, 2015, through June 5, 2015, were obtained primarily by examining Notices of Election and other docketed documents. Many of the cases filed during the Relevant Period in 2015 were still in progress as of June 5, 2015, the latest date on which documents in the cases were examined. Accordingly, while examination of the dockets for 222 cases filed during the Relevant Period in 2015 produced election or vote-counting dates, the dockets in other cases filed during the Relevant Period in 2015 and generally cases filed later in

the period, did not have Notices of Election, Certifications of Representatives, Certifications of Results or other documents which would provide dates of election and vote-counting or election results.

Dates of election and mail-ballot counting for cases filed during the period April 5, 2014, through June 5, 2014, were obtained from reports entitled “NLRB Elections with 1 Labor Organization,” “NLRB Elections with 2 Labor Organizations,” and “NLRB Elections with 3 Labor Organizations” and documents available on the NLRB’s dockets.

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Chart 1

### Median Number of Days, Petition to Election Same-Period Comparison (Mail-Ballot Elections Excluded)

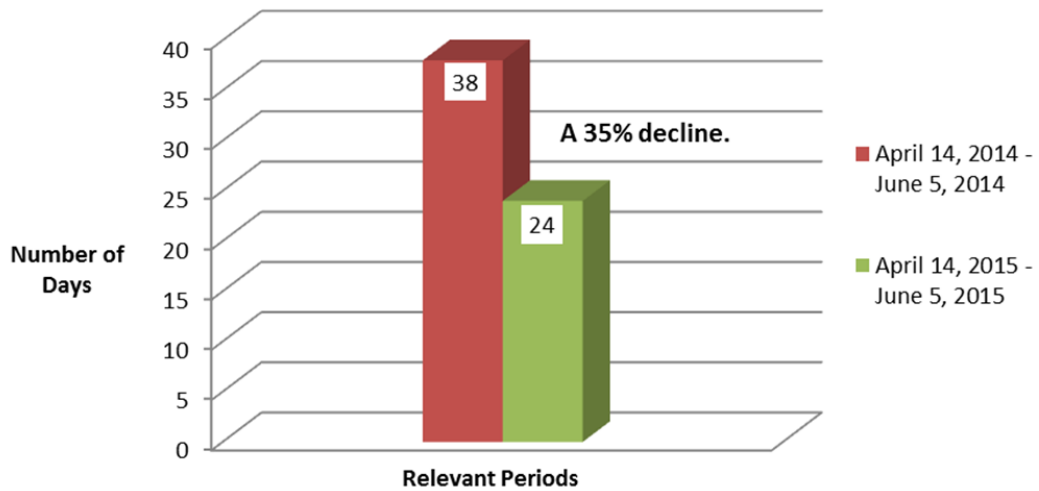
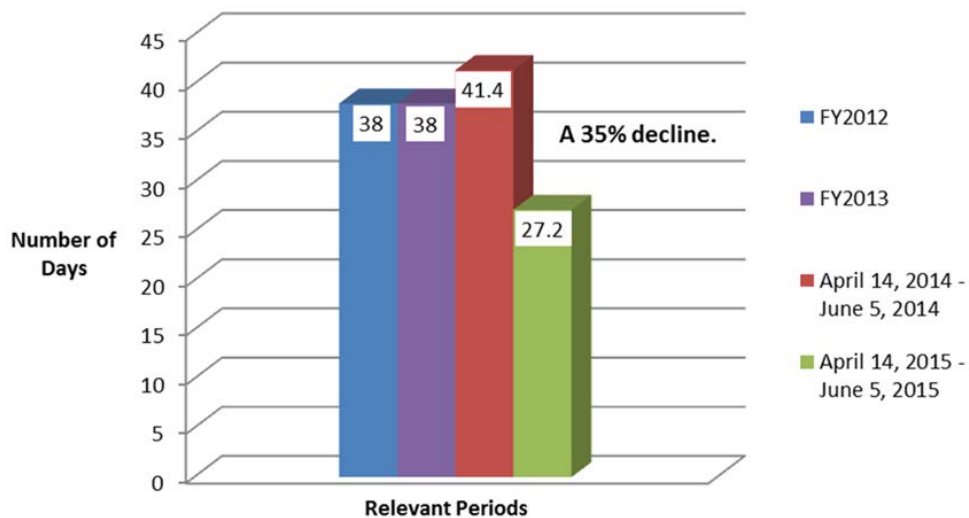
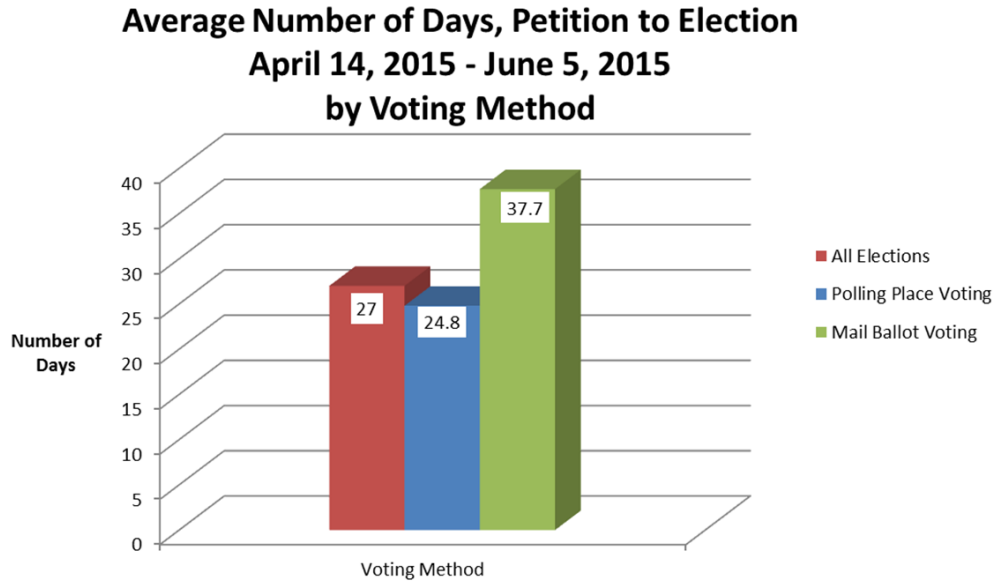


Chart 2

### Average Number of Days, Petition to Election Polling Places + Mail Ballots



**Chart 3**



Timothy M. McConville, Esq.

Line	Petition Filing Date	Scheduled Election or Vote Counting Date	No. of Days Between Petition Filing Date and Election or Vote Counting Date	Region	Petition Type	Docket Number	Employer Name
1	05/27/15	6/5/2015	9	22	RC	152994	CRISTI CLEANING SERVICE
2	05/04/15	5/14/2015	10	4	RC	151419	ManorCare of Kingston PA, LLC
3	04/27/15	5/8/2015	11	19	RC	151030	Southern Wine & Spirits of America, Inc.
4	04/30/15	5/12/2015	12	3	RC	151272	SDH Education West, LLC d/b/a Sodexo
5	05/28/15	6/9/2015	12	19	RC	153166	First Student, Inc.
6	05/27/15	6/9/2015	13	13	RC	152961	CBRE, Inc.
7	6/3/2015	6/16/2015	13	28	RC	153480	Wynn Las Vegas, LLC DBA Wynn Las Vegas
8	04/22/15	5/6/2015	14	5	RC	150645	Kaiser Permanente Mid-Atlantic
9	05/06/15	5/20/2015	14	18	RC	151725	COMPASS GROUP USA, INC. D/B/A CANTEEN VENDING
10	05/07/15	5/21/2015	14	5	RC	151753	American Sugar Refining, Inc.
11	05/14/15	5/28/2015	14	28	RC	152225	MGM Grand Hotel, LLC
12	04/27/15	5/12/2015	15	13	RC	150912	Friend Family Health Center, Inc.
13	05/18/15	6/2/2015	15	4	RC	152418	Centerra Group, LLC
14	04/21/15	5/7/2015	16	29	RC	150499	MakerBot Industries
15	04/28/15	5/14/2015	16	28	RC	151070	International Game Technology PLC Birch Family Services, Inc. d/b/a Manhattan Early Childhood Center
16	05/11/15	5/27/2015	16	2	RC	152009	Center
17	04/15/15	5/2/2015	17	28	RC	150168	Labor Plus, LLC
18	04/24/15	5/11/2015	17	28	RC	150871	Duck Commander Musical, LLC
19	04/22/15	5/11/2015	19	20	RC	150652	Genesis Healthcare, American River Care Center
20	04/30/15	5/19/2015	19	16	RC	151317	The GEO Group, Inc.
21	05/13/15	6/1/2015	19	22	RC	152085	SAINT MICHAEL'S MEDICAL CENTER, INC.
22	05/15/15	6/3/2015	19	6	RC	152299	Allegheny General Hospital
23	05/15/15	6/3/2015	19	6	RC	152300	Allegheny General Hospital
24	04/23/15	5/13/2015	20	19	RC	150769	GBW Railcar Services, LLC
25	04/23/15	5/13/2015	20	29	RC	150681	BellTel Lofts c/o Douglas Elliman Commercial LLC
26	04/29/15	5/19/2015	20	14	RC	151115	Missouri Red Quarries Inc.
27	04/29/15	5/19/2015	20	29	RC	151196	Aikler Asphalt Paving Inc
28	04/30/15	5/20/2015	20	9	RC	151309	RUAN LOGISTICS CORPORATION
29	04/30/15	5/20/2015	20	29	RC	151310	Green Asphalt Co., LLC
30	05/01/15	5/21/2015	20	6	RC	151386	Whemco Steel Castings, Inc.
31	05/01/15	5/21/2015	20	14	RC	151350	Sensory Effects
32	05/08/15	5/28/2015	20	3	RC	151818	Faxton St. Luke's Healthcare
33	05/13/15	6/2/2015	20	4	RC	152175	Norris Sales Company Incorporated Public Health Foundation Enterprises d/b/a San Francisco
34	05/15/15	6/4/2015	20	20	RC	152357	Homeless Outreach Team
35	05/27/15	6/16/2015	20	2	RC	152988	First Student, Inc.
36	05/29/15	6/18/2015	20	2	RC	153140	Nutrition Management Services Company
37	04/16/15	5/7/2015	21	4	RC	150177	Axcess Industries Inc. a/k/a Axcess Mechanical, Inc.
38	04/16/15	5/7/2015	21	5	RC	150230	DS Pipe & Steel Supply, LLC
39	04/16/15	5/7/2015	21	14	RC	150243	Kansas City Electrical JATC
40	04/16/15	5/7/2015	21	16	RC	150207	SDH Education East, LLC
41	04/17/15	5/8/2015	21	4	RC	150307	Morrison Management Specialists, Inc.
42	04/22/15	5/13/2015	21	25	RC	150678	TSCHIGGFRIE PROPERTIES, LTD
43	04/24/15	5/15/2015	21	21	RC	150874	FIRST TRANSIT, INC.

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44	04/24/15	5/15/2015	21	28	RC	150855	GNLV Corp., d/b/a Golden Nugget Las Vegas
45	04/29/15	5/20/2015	21	15	RC	151118	Golden Peanut, LLC
46	04/30/15	5/21/2015	21	21	RC	151300	VEOLIA ES INDUSTRIAL SERVICES, INC.
47	05/01/15	5/22/2015	21	22	RC	151421	CORT Business Services Corporation
48	05/06/15	5/27/2015	21	20	RC	151684	Securitas Security Services USA, Inc.
49	05/13/15	6/3/2015	21	28	RC	152165	American Federal Contractors Inc.
50	05/19/15	6/9/2015	21	18	RC	152558	ARROWHEAD ELECTRIC COOPERATIVE, INC.
51	05/20/15	6/10/2015	21	14	RC	152597	Sovereign STL, Inc. d/b/a Audi Kirkwood
52	05/26/15	6/16/2015	21	27	RC	152884	US Foods, Inc. WRIGHT TREE SERVICE INCORPORATED, A WHOLLY OWNED SUBSIDIARY OF WRIGHT SERVICE CORPORATION
53	04/20/15	5/12/2015	22	9	RC	150405	
54	04/22/15	5/14/2015	22	5	RC	150722	American Red Cross, Mid-Atlantic Blood Services Region
55	04/22/15	5/14/2015	22	29	RC	150622	A.S.C. Contracting Corp.
56	04/23/15	5/15/2015	22	7	RC	150703	Fischer Tanks, LLC
57	04/23/15	5/15/2015	22	8	RC	150682	SIMPLEX GRINNELL, LP
58	04/29/15	5/21/2015	22	10	RC	151143	URS Federal Services, Inc.
59	05/04/15	5/26/2015	22	14	RC	151485	American Red Cross, Blood Services Central Plains Region
60	05/04/15	5/26/2015	22	14	RC	151446	Challenge MFG. Holdings, Inc.
61	05/11/15	6/2/2015	22	19	RC	151976	The Real Good Food Store, d/b/a Food Front Cooperative Grocery
62	05/12/15	6/3/2015	22	19	RC	152188	CASCADE BEHAVIORAL HEALTH, LLC
63	05/15/15	6/6/2015	22	28	RC	152340	Serco Inc.
64	05/20/15	6/11/2015	22	13	RC	152584	Aramark Healthcare Support Services, LLC
65	05/20/15	6/11/2015	22	32	RC	152621	Sierra Ambulance Service, Inc.
66	04/15/15	5/8/2015	23	21	RC	150214	NESTLE WATERS NORTH AMERICA, INC.
67	04/15/15	5/8/2015	23	21	RC	150198	NESTLE WATERS NORTH AMERICA, INC.
68	04/15/15	5/8/2015	23	21	RC	150229	NESTLE WATERS NORTH AMERICA, INC.
69	04/15/15	5/8/2015	23	21	RC	150242	NESTLE WATERS NORTH AMERICA, INC.
70	04/20/15	5/13/2015	23	6	RC	150368	Monongahela Power Company Providence Health & Services - Washington d/b/a Providence St.
71	04/21/15	5/14/2015	23	19	RC	150515	Joseph Care Center
72	04/22/15	5/15/2015	23	22	RC	150630	DIRECTSAT USA LLC
73	04/23/15	5/16/2015	23	22	RC	150700	CUSHMAN & WAKEFIELD
74	05/05/15	5/28/2015	23	14	RC	151535	Wolf Creek Nuclear Operating Corporation
75	05/12/15	6/4/2015	23	6	RC	152049	DME Company, LLC
76	05/12/15	6/4/2015	23	13	RC	152029	Bunzl Distribution Midcentral, Inc.
77	05/13/15	6/5/2015	23	6	RC	152112	Consolidated Container Company LP
78	05/13/15	6/5/2015	23	18	RC	152189	Integrays Business Support, LLC
79	05/18/15	6/10/2015	23	16	RC	152504	United Parcel Service, Inc.
80	05/26/15	6/18/2015	23	10	RC	152887	Asplundh Tree Expert Co.
81	05/27/15	6/19/2015	23	10	RC	152960	Megabus Southeast, LLC JERSEY SHORE CONVALESCENT CENTER T/A MEDICENTER
82	05/27/15	6/19/2015	23	22	RC	153040	NEPTUNE CITY
83	05/27/15	6/19/2015	23	29	RC	152972	Sleepy's, LLC
84	04/14/15	5/8/2015	24	1	RC	150106	Boston Medical Center

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85	04/14/15	5/8/2015	24	4	RC	150059	Metro Elevator Company
86	04/14/15	5/8/2015	24	7	RC	150061	Sakthi Automotive Group USA, LLC
87	04/14/15	5/8/2015	24	32	RC	150090	Durham School Services, L. P.
88	04/21/15	5/15/2015	24	8	RC	150541	Ohio Edison Company
89	04/27/15	5/21/2015	24	4	RC	151011	John B. Stetson Charter School, an Aspira of PA School
90	04/27/15	5/21/2015	24	21	RC	150980	URS FEDERAL SUPPORT SERVICES, INC.
91	04/28/15	5/22/2015	24	12	RC	151061	Argos Cement, LLC DISNEYLAND RESORT, A DIVISION OF WALT DISNEY PARKS AND RESORTS U.S., INC.
92	05/04/15	5/28/2015	24	21	RC	151499	DP MECHANICAL SERVICES LLC
93	05/26/15	6/19/2015	24	25	RC	152894	S.M. LORUSSO & SONS, INC.
94	05/08/15	6/2/2015	25	1	RC	151899	Dignity Health/St. Mary's Medical Center San Francisco
95	05/08/15	6/2/2015	25	20	RC	151884	Montauk Student Transport, LLC
96	05/11/15	6/5/2015	25	2	RC	151977	Able Building Maintenance
97	05/18/15	6/12/2015	25	4	RC	152491	Express Scripts, Inc.
98	04/24/15	5/20/2015	26	4	RC	150790	The Mount Sinai Hospital
99	05/01/15	5/27/2015	26	2	RC	151412	NEW JERSEY PLUMBING GROUP LLC
100	05/01/15	5/27/2015	26	22	RC	151333	L-3 Communications Army Sustainment, LLC
101	05/01/15	5/27/2015	26	32	RC	151435	Hudson Valley Cardiovascular Practice, P.C.
102	05/08/15	6/3/2015	26	3	RC	151849	NYU Hospitals Center/NYU Langone Medical Center
103	05/14/15	6/9/2015	26	2	RC	152260	Apple Bus Company
104	05/14/15	6/9/2015	26	14	RC	152208	Bimbo Bakeries USA
105	05/22/15	6/17/2015	26	16	RC	152831	Parkland Ambulance Service, Inc., d/b/a Mohawk Ambulance Service
106	05/27/15	6/22/2015	26	3	RC	152998	The Terminix International Company Limited Partnership
107	04/17/15	5/14/2015	27	7	RC	150286	Service Management Systems, Inc.
108	04/23/15	5/20/2015	27	4	RC	150728	The Change Group New York, Inc.
109	04/24/15	5/21/2015	27	2	RC	150815	Visiting Nurse Association of Utica & Oneida County, Inc.
110	04/24/15	5/21/2015	27	3	RC	150811	United Rentals (North America), Inc.
111	04/24/15	5/21/2015	27	4	RC	150899	EMCOR Facilities Services, Inc., d/b/a Viox Services
112	04/24/15	5/21/2015	27	10	RC	150835	Defense Support Services, LLC
113	04/24/15	5/21/2015	27	16	RC	150834	PIER FOUNDRY AND PATTERN SHOP, INC.
114	04/24/15	5/21/2015	27	18	RC	150846	Pepsi Beverages Company
115	04/24/15	5/21/2015	27	32	RC	150861	Bimbo Bakeries USA
116	04/30/15	5/27/2015	27	16	RC	151211	Urban Prep Academies
117	05/07/15	6/3/2015	27	13	RC	151747	DYNACORP INTERNATIONAL, LLC
118	05/08/15	6/4/2015	27	16	RC	151853	OASIS REHABILITATION AND HEALING
119	05/15/15	6/11/2015	27	8	RC	152337	Winthrop Management, L.P.
120	05/21/15	6/17/2015	27	29	RC	152688	STA of New York, d/b/a Mid-City Transit
121	05/22/15	6/18/2015	27	3	RC	152740	Watco Transloading, LLC
122	04/15/15	5/13/2015	28	19	RC	150189	Matilda Acrobat Tour LP
123	04/16/15	5/14/2015	28	2	RC	150235	Electrolux Home Products, Inc.
124	04/16/15	5/14/2015	28	15	RC	150292	Alcoa Commercial Windows, LLC
125	04/17/15	5/15/2015	28	6	RC	150296	The Geo Group, Inc.
126	04/21/15	5/19/2015	28	16	RC	150508	Seattle Children's
127	04/21/15	5/19/2015	28	19	RC	150590	

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128	04/22/15	5/20/2015	28	9	RC	150613	ASPLUNDH TREE EXPERT, CO.
129	04/29/15	5/27/2015	28	18	RC	151161	KIDSPEACE MESABI ACADEMY, INC.
130	04/30/15	5/28/2015	28	4	RC	151199	Rover Community Transportation
131	04/30/15	5/28/2015	28	32	RC	151286	5.11, INC. d/b/a 5.11 TACTICAL
132	05/06/15	6/3/2015	28	3	RC	151634	Green Mountain Power Corporation
133	05/08/15	6/5/2015	28	4	RC	151815	Toyota of Vineland, Inc.
134	05/08/15	6/5/2015	28	10	RC	151812	Kapstone Paper and Packaging Corporation EVERGREEN GROUP INC. d/b/a EVERGREEN AES ENVIRONMENTAL SERVICES
135	05/13/15	6/10/2015	28	25	RC	152157	Praxair Distribution, Inc.
136	05/15/15	6/12/2015	28	4	RC	152380	UNO FOODS INC.
137	05/21/15	6/18/2015	28	1	RC	152774	SUMMIT POLYMERS, INC.
138	05/21/15	6/18/2015	28	9	RC	152759	Behavioral Center of Michigan
139	05/22/15	6/19/2015	28	7	RC	152784	Covanta Energy
140	05/28/15	6/25/2015	28	29	RC	153070	United Way Worldwide
141	04/14/15	5/13/2015	29	5	RC	150035	DIRECTSAT USA, LLC
142	04/21/15	5/20/2015	29	25	RC	150488	McInnis Waste Systems, Inc., d/b/a Allied Waste Services of Portland and Republic Waste Systems of Portland
143	04/22/15	5/21/2015	29	19	RC	150686	Washington and Jefferson College
144	05/07/15	6/5/2015	29	6	RC	151701	Helping Hand Center
145	05/11/15	6/9/2015	29	13	RC	151943	Cablofil, Inc.
146	05/14/15	6/12/2015	29	14	RC	152209	NAES CORPORATION
147	05/20/15	6/18/2015	29	22	RC	152670	Traffic Management Inc.
148	05/21/15	6/19/2015	29	7	RC	152676	Harsco Rail, A Division of Harsco Corporation
149	05/26/15	6/24/2015	29	10	RC	152911	Detroit 90/90 and Axios, Inc.
150	04/14/15	5/14/2015	30	7	RC	150097	Giddens Industries, Inc. d/b/a Cadence Aerospace
151	04/14/15	5/14/2015	30	19	RC	150145	Firestop Company, LLC
152	04/15/15	5/15/2015	30	19	RC	150163	McGrath Downtown Auto, Inc. d/b/a McGrath Acura of Downtown Chicago
153	04/27/15	5/27/2015	30	13	RC	150917	General Dynamics OTS (DRI), Inc.
154	05/11/15	6/10/2015	30	10	RC	151942	Palisades Medical Center
155	05/13/15	6/12/2015	30	22	RC	152243	Polynesian Adventure Tours LLC dba Polynesian Adventure Tours
156	05/14/15	6/13/2015	30	20	RC	152268	EXAL CORPORATION
157	05/18/15	6/17/2015	30	8	RC	152489	HPM Foundation Inc. d/b/a HealthproMed
158	05/18/15	6/17/2015	30	12	RC	152435	Autoneum
159	05/26/15	6/25/2015	30	10	RC	152954	RENZENBERGER, INC.
160	04/14/15	5/15/2015	31	8	RC	150027	THE SYGMA NETWORK, INC.
161	04/20/15	5/21/2015	31	27	RC	150409	Hub Group Trucking, Inc.
162	04/21/15	5/22/2015	31	31	RC	150568	EMCOR Government Services, Inc. Green Leaf Services Inc & Davey Commercial Grounds Management, a Joint Employer
163	04/27/15	5/28/2015	31	15	RC	150893	Southwest Electric Co.
164	04/28/15	5/29/2015	31	5	RC	151117	
165	05/11/15	6/11/2015	31	10	RC	151941	
166	04/17/15	5/19/2015	32	32	RC	150360	Second Harvest Food Bank of Santa Clara and San Mateo Counties



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167	05/11/15	6/12/2015	32	19	RC	152056	Serco, Inc.
168	05/14/15	6/15/2015	32	2	RC	152328	U.S. Security Associates, Inc.
169	05/14/15	6/15/2015	32	2	RC	152307	U.S. Security Associates, Inc.
170	05/14/15	6/15/2015	32	2	RC	152311	U.S. Security Associates, Inc.
171	05/14/15	6/15/2015	32	2	RC	152324	U.S. Security Associates, Inc.
172	05/14/15	6/15/2015	32	2	RC	152318	U.S. Security Associates, Inc.
173	05/14/15	6/15/2015	32	4	RC	152289	Crozer Chester Medical Center
174	05/15/15	6/16/2015	32	32	RC	152365	Pacific Gas and Electric Company Dignity Health d/b/a Mercy General Hospital, Mercy San Juan Medical Center, and Woodland Healthcare
175	05/22/15	6/23/2015	32	20	RC	152837	Medical Center, and Woodland Healthcare
176	05/08/15	6/10/2015	33	5	RC	151933	U.S. Facilities, Inc.
177	05/08/15	6/10/2015	33	5	RC	151866	Army Distaff Foundation, Inc.
178	04/30/15	6/3/2015	34	3	RC	151213	Siena College
179	05/07/15	6/10/2015	34	2	RC	151774	235 West 71st Street Condominium
180	05/07/15	6/10/2015	34	3	RC	151734	Emma Willard School
181	05/14/15	6/17/2015	34	20	RC	152288	Securitas Security Services USA, Inc.
182	04/15/15	5/20/2015	35	31	RC	150220	Laboratory Corporation of America
183	04/23/15	5/28/2015	35	21	RC	150749	Catalina Channel Express, Inc.
184	04/29/15	6/3/2015	35	2	RC	151248	U.S. Security Associates, Inc.
185	04/29/15	6/3/2015	35	2	RC	151250	U.S. Security Associates, Inc.
186	04/29/15	6/3/2015	35	2	RC	151254	U.S. Security Associates, Inc.
187	04/29/15	6/3/2015	35	2	RC	151256	U.S. Security Associates, Inc.
188	04/29/15	6/3/2015	35	2	RC	151260	U.S. Security Associates, Inc.
189	04/29/15	6/3/2015	35	2	RC	151262	U.S. Security Associates, Inc.
190	04/29/15	6/3/2015	35	2	RC	151277	U.S. Security Associates, Inc.
191	04/29/15	6/3/2015	35	2	RC	151280	U.S. Security Associates, Inc.
192	04/29/15	6/3/2015	35	2	RC	151283	U.S. Security Associates, Inc.
193	04/29/15	6/3/2015	35	2	RC	151287	U.S. Security Associates, Inc.
194	04/29/15	6/3/2015	35	2	RC	151289	U.S. Security Associates, Inc.
195	04/29/15	6/3/2015	35	2	RC	151264	U.S. Security Associates, Inc.
196	04/29/15	6/3/2015	35	2	RC	151275	U.S. Security Associates, Inc.
197	04/29/15	6/3/2015	35	2	RC	151269	U.S. Security Associates Inc.
198	05/08/15	6/12/2015	35	21	RC	151906	LABORATORY CORPORATION OF AMERICA
199	05/11/15	6/15/2015	35	5	RC	151975	American Security Programs
200	05/18/15	6/22/2015	35	29	RC	152416	Jefferson Avenue Owners Corp.
201	04/22/15	5/28/2015	36	10	RC	150582	Asplundh Tree Expert Co.
202	04/23/15	5/29/2015	36	18	RC	150800	Family Forum, Inc.
203	04/29/15	6/4/2015	36	9	RC	151181	GKN AEROSPACE CINCINNATI, INC.
204	04/30/15	6/5/2015	36	1	RC	151255	Shamrock of New England, Inc.
205	05/06/15	6/11/2015	36	7	RC	151697	First Student Inc.
206	05/07/15	6/12/2015	36	15	RC	151772	DynCorp International LLC
207	05/14/15	6/19/2015	36	3	RC	152247	Premier Utility Service, LLC
208	05/20/15	6/25/2015	36	4	RC	152582	Brooke Glen Behavioral Hospital
209	05/13/15	6/19/2015	37	21	RC	152158	LABORATORY CORPORATION OF AMERICA
210	05/26/15	7/2/2015	37	32	RC	152968	Penske Logistics, LLC

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211	04/21/15	5/29/2015	38	16	RC	150545	The Martin-Brower Company, LLC
212	05/11/15	6/18/2015	38	10	RC	151954	Asplundh Tree Expert Co.
213	04/28/15	6/8/2015	41	27	RC	151076	Public Service Company of Colorado
214	05/04/15	6/15/2015	42	2	RC	151509	U.S. Security Associates, Inc.
215	04/15/15	5/28/2015	43	3	RC	150147	Ithaca College
216	04/20/15	6/3/2015	44	3	RC	150383	Siena College
217	04/27/15	6/10/2015	44	19	RC	150979	Oregon Shakespeare Festival Association
218	04/23/15	6/9/2015	47	4	RC	150782	Renzenberger, Inc.
219	05/06/15	6/22/2015	47	12	RC	151666	50 State Security, Inc.
220	05/11/15	6/29/2015	49	19	RC	152006	Garco Construction, Inc.
221	05/11/15	6/30/2015	50	1	RC	151938	Medical Resources Home Health, Corp.
222	04/14/15	6/26/2015	73	5	RC	150123	Baker DC, LLC

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1	4/30/2014	5/9/2014	9	19	RC	127621	Pacific Publishing Company, Inc.
2	6/3/2014	6/18/2014	15	1	RC	129843	FIRST STUDENT, INC.
3	5/16/2014	6/4/2014	19	28	RC	128804	Rural Metro Corporation New York-New York Hotel & Casino, LLC d/b/a New York-New York Hotel & Casino
4	5/28/2014	6/17/2014	20	28	RC	129472	Hotel & Casino
5	4/16/2014	5/7/2014	21	31	RC	126671	Woodward HRT, Inc.
6	5/22/2014	6/12/2014	21	28	RC	129210	The New Mexico Center on Law and Poverty
7	5/29/2014	6/19/2014	21	28	RC	129570	FHI Plant Services, Inc.
8	5/5/2014	5/27/2014	22	10	RC	128003	Paragon Systems Inc.
9	5/14/2014	6/6/2014	23	12	RC	128579	Rural/Metro Corporation of Florida
10	5/14/2014	6/6/2014	23	6	RC	128652	Eastern Area Prehospital Services
11	4/28/2014	5/22/2014	24	19	RC	127492	Fred Meyer Stores, Inc.
12	5/19/2014	6/12/2014	24	16	RC	128976	L-3 ARMY SUSTAINMENT LLC
13	5/20/2014	6/13/2014	24	27	RC	129035	AlSCO, Inc.
14	4/24/2014	5/19/2014	25	25	RC	127250	VISSERING CONSTRUCTION COMPANY
15	4/24/2014	5/19/2014	25	25	RC	127247	JAMES G. STEWART CONTRACTORS, INC. HBR Trumbull LLC of Trumbull, CT d/b/a St. Joseph's Manor Care & Rehabilitation
16	5/16/2014	6/10/2014	25	1	RC	128872	Rehabilitation
17	4/23/2014	5/19/2014	26	25	RC	127119	ROWE CONSTRUCTION, a division of United Contractors Midwest Inc.
18	4/23/2014	5/19/2014	26	25	RC	127145	STARK EXCAVATING, INC.
19	5/2/2014	5/28/2014	26	14	RC	127853	First Student, Inc.
20	5/9/2014	6/4/2014	26	28	RC	128371	The Mirage Casino-Hotel dba The Mirage
21	5/21/2014	6/16/2014	26	1	RC	129108	First Student, Inc.
22	5/6/2014	6/2/2014	27	18	RC	128031	Fox Sports Net North, LLC d/b/a FS Wisconsin
23	5/13/2014	6/9/2014	27	18	RC	128525	Big Ten Network, LLC
24	5/20/2014	6/16/2014	27	1	RC	129056	A+ MOVING & STORAGE
25	5/30/2014	6/26/2014	27	16	RC	129674	L-3 COMMUNICATIONS, LINK SIMULATION & TRAINING
26	4/23/2014	5/21/2014	28	21	RC	127253	COMPUTER SCIENCES CORPORATION
27	4/24/2014	5/22/2014	28	22	RC	127271	CHUGACH INDUSTRIES, INC.
28	4/25/2014	5/23/2014	28	25	RC	127278	MCCOY CONSTRUCTION CO.
29	5/2/2014	5/30/2014	28	1	RC	127834	WESTBAY CAP
30	5/16/2014	6/13/2014	28	28	RC	128840	Aria Resort Hotel & Casino, LLC d/b/a Aria Resort and Casino
31	5/20/2014	6/17/2014	28	18	RC	129073	MOBILE TV GROUP
32	5/28/2014	6/25/2014	28	2	RC	129451	Mount Sinai Hospital
33	5/8/2014	6/6/2014	29	14	RC	128241	B E & K Construction Company, LLC
34	5/20/2014	6/18/2014	29	18	RC	129086	LDM WORLDWIDE CORP.
35	5/20/2014	6/18/2014	29	18	RC	129107	THE BIG TEN NETWORK, LLC
36	4/15/2014	5/15/2014	30	32	RC	126627	Hacienda Motors LTD d/b/a Mercedes Benz of Pleasanton
37	4/16/2014	5/16/2014	30	29	RC	126659	Port Jefferson Volunteer Ambulance, Inc.
38	4/22/2014	5/22/2014	30	28	RC	127062	Automated Mechanical
39	5/6/2014	6/5/2014	30	10	RC	128042	ADT LLC d/b/a ADT Security Services
40	5/6/2014	6/5/2014	30	18	RC	128033	MAIN MOTOR SALES COMPANY
41	5/12/2014	6/11/2014	30	1	RC	128414	ADDISON COUNTY TRANSIT RESOURCES
42	5/28/2014	6/27/2014	30	20	RC	129494	Island Ready-Mix Concrete
43	5/2/2014	6/2/2014	31	31	RC	127862	Diverse Facility Solutions
44	5/16/2014	6/16/2014	31	5	RC	128803	WUSA-TV, a division of Detroit Free Press, Inc.
45	5/20/2014	6/20/2014	31	12	RC	129030	Akal Security, Inc.
46	5/27/2014	6/27/2014	31	25	RC	129312	FALCON TRUCKING, LLC
47	4/14/2014	5/16/2014	32	20	RC	126521	Lace House Linen Supply Co.

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48	4/14/2014	5/16/2014	32	4	RC	126536	Reading Eagle Company
49	4/25/2014	5/27/2014	32	12	RC	127404	ALTOL PETROLEUM PRODUCTS SERVICE, INC.
50	5/9/2014	6/10/2014	32	7	RC	128384	First Student, Inc.
51	5/16/2014	6/17/2014	32	15	RC	128797	IRBY ENGINEERING & CONSTRUCTION, INC.
52	5/16/2014	6/17/2014	32	14	RC	128830	Affiliated Foods Midwest Cooperative, Inc.
53	5/19/2014	6/20/2014	32	15	RC	128930	LEAR RENOSOL SELMA MANUFACTURING FACILITY
54	4/17/2014	5/20/2014	33	19	RC	126817	Americold Logistics, LLC
55	5/9/2014	6/11/2014	33	18	RC	128355	COMMUNITY SCHOOL OF EXCELLENCE
56	5/29/2014	7/1/2014	33	32	RC	129556	MV Transportation Inc.
57	4/29/2014	6/2/2014	34	29	RC	127487	A-1 Manhattan Custom Furniture Inc., d/b/a Manhattan Cabinetry, Inc.
58	5/1/2014	6/4/2014	34	28	RC	127760	FP HOLDINGS, L.P. D/B/A PALMS CASINO RESORT
59	5/1/2014	6/4/2014	34	13	RC	127807	Illinois Central School Bus, LLC
60	5/1/2014	6/4/2014	34	5	RC	127774	Paragon Systems, Inc.
61	5/22/2014	6/25/2014	34	32	RC	129251	AmeriPride Services Inc.
62	4/30/2014	6/3/2014	34	22	RC	127618	MEGABUS NORTHEAST L.L.C.
63	4/18/2014	5/23/2014	35	25	RC	126904	NESTLE USA, INC. Hilton Grand Vacations Management, LLC d/b/a Parc Soleil by Hilton
64	4/24/2014	5/29/2014	35	12	RC	127225	Grand Vacations Club
65	5/2/2014	6/6/2014	35	27	RC	127864	P.A.E. Government Services, Inc.
66	5/2/2014	6/6/2014	35	27	RC	127844	Safway Services, LLC
67	5/8/2014	6/12/2014	35	1	RC	128234	Hearst Stations, Inc. (WCVB-TV Division)
68	5/16/2014	6/20/2014	35	6	RC	128796	Armstrong County Memorial Hospital d/b/a ACMH Hospital
69	5/21/2014	6/25/2014	35	21	RC	129211	RURAL METRO SAN DIEGO, INC.
70	5/22/2014	6/26/2014	35	18	RC	129195	AIR MECHANICAL, INC.
71	5/22/2014	6/26/2014	35	5	RC	129262	Bardon, Inc. d/b/a Aggregate Industries
72	5/23/2014	6/27/2014	35	3	RC	129231	Costanzo's Bakery, Inc.
73	5/23/2014	6/27/2014	35	4	RC	129271	RJJD Associates, LLC, d/b/a Nissan of Devon
74	5/27/2014	7/1/2014	35	1	RC	129325	Republic Parking System, Inc.
75	5/28/2014	7/2/2014	35	15	RC	129441	Pallets Associates, Inc.
76	5/28/2014	7/2/2014	35	5	RC	129474	Dream Management, Inc.
77	4/15/2014	5/21/2014	36	21	RC	126687	MV TRANSPORTATION, INC.
78	4/16/2014	5/22/2014	36	12	RC	126705	Comcast Corporation
79	4/17/2014	5/23/2014	36	13	RC	126852	Positive Connections, Inc.
80	4/22/2014	5/28/2014	36	1	RC	127082	GREEN MOUNTAIN COMMUNITY NETWORK, INC.
81	4/22/2014	5/28/2014	36	28	RC	127091	Bellagio, LLC Marriott Hotel Management Corporation (Virgin Islands), Inc. d/b/a
82	4/23/2014	5/29/2014	36	12	RC	127183	Marriot Frenchman's Reef Resort and Morning Star and Beach
83	4/23/2014	5/29/2014	36	18	RC	127116	BUFFALO AUTOMOTIVE, INC.
84	4/28/2014	6/3/2014	36	5	RC	127433	Excelsior Defense, Inc.
85	4/29/2014	6/4/2014	36	2	RC	127484	Cables and Chips, Inc.
86	4/30/2014	6/5/2014	36	6	RC	127660	GGNSC SHIPPENVILLE LP d/b/a GOLDEN LIVING CENTER-SHIPPEVILLE
87	5/1/2014	6/6/2014	36	4	RC	127728	Revel Entertainment Group, LLC d/b/a Revel
88	5/5/2014	6/10/2014	36	32	RC	127993	B&B Medical Services, Inc.
89	5/6/2014	6/11/2014	36	32	RC	128092	John Muir Health
90	5/7/2014	6/12/2014	36	14	RC	128163	Piston Automotive
91	5/13/2014	6/18/2014	36	19	RC	128481	Big Sky Surgery Center, LLC
92	5/13/2014	6/18/2014	36	27	RC	128587	CBRE Inc./Norland Managed Services, Inc.

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93	5/21/2014	6/26/2014	36	13	RC	129092	Rowell Chemical Corporation
94	5/21/2014	6/26/2014	36	18	RC	129106	ALUMACRAFT BOAT CO.
95	5/22/2014	6/27/2014	36	28	RC	129209	MGM Resorts International Operations, Inc.
96	5/22/2014	6/27/2014	36	1	RC	129201	Hatti Supermarket, LLC
97	5/23/2014	6/28/2014	36	19	RC	129331	Imperial Parking (U.S.), LLC
98	5/27/2014	7/2/2014	36	9	RC	129383	AIRGAS USA, LLC Southern Wine & Spirits of Delaware, LLC, a subsidiary of Southern
99	5/27/2014	7/2/2014	36	4	RC	129387	Wine & Spirits of America, Inc.
100	5/27/2014	7/2/2014	36	13	RC	129432	Aurora Area Blood Bank d/b/a Heartland Blood Centers
101	6/3/2014	7/9/2014	36	13	RC	129885	CBRE, Inc.
102	6/3/2014	7/9/2014	36	9	RC	129945	BOWLING TRANSPORTATION INC.
103	6/4/2014	7/10/2014	36	13	RC	130118	First Transit, Inc.
104	6/5/2014	7/11/2014	36	18	RC	130087	The Newark Group, Inc.
105	4/14/2014	5/21/2014	37	13	RC	126546	Crescent Hotels & Resorts, LLC
106	4/14/2014	5/21/2014	37	8	RC	126471	RESOURCE RECLAMATION TOLEDO, LLC
107	4/15/2014	5/22/2014	37	29	RC	126579	A & L Cesspool Service Corp.
108	4/23/2014	5/30/2014	37	18	RC	127160	PER MAR SECURITY & RESEARCH CORP.
109	5/14/2014	6/20/2014	37	4	RC	128662	Gamesa Technology Corporation, Inc.
110	5/19/2014	6/25/2014	37	10	RC	128915	United Parcel Service, Inc.
111	6/4/2014	7/11/2014	37	21	RC	130047	BIMBO BAKERIES USA, INC.
112	6/4/2014	7/11/2014	37	20	RC	130048	Sonic.net
113	4/14/2014	5/22/2014	38	2	RC	126511	LUTHERAN SOCIAL SERVICES OF METROPOLITAN NEW YORK
114	4/14/2014	5/22/2014	38	5	RC	126500	SBM Management Services
115	4/21/2014	5/29/2014	38	7	RC	126993	Huron Valley Sinai Hospital
116	4/22/2014	5/30/2014	38	10	RC	127103	Hostess Brands, LLC
117	4/22/2014	5/30/2014	38	8	RC	127048	M & B ASPHALT CO., INC.
118	4/28/2014	6/5/2014	38	25	RC	127370	INDIANA MICHIGAN POWER COMPANY
119	5/2/2014	6/9/2014	38	29	RC	127882	The Sea Gate Association
120	5/5/2014	6/12/2014	38	1	RC	127890	PEPSI BEVERAGES COMPANY
121	5/12/2014	6/19/2014	38	15	RC	128433	Entergy Arkansas, Inc.
122	5/12/2014	6/19/2014	38	7	RC	128486	MidMichigan Medical Center-Midland
123	5/13/2014	6/20/2014	38	29	RC	128573	The Boys' Club of New York Bio-Medical Applications of Puerto Rico, Inc., d/b/a Fresenius Medical
124	5/16/2014	6/23/2014	38	12	RC	128825	Care Santa Juanita Dialysis JBT AERO TECH, A DIVISION OF JOHN BEAN TECHNOLOGIES
125	5/19/2014	6/26/2014	38	21	RC	128936	CORPORATION
126	5/30/2014	7/7/2014	38	22	RC	129600	SOMERSET MOTORS PARTNERSHIP D/B/A LEXUS OF BRIDGEWATER
127	6/2/2014	7/10/2014	38	18	RC	129853	SEALY OF MINNESOTA, INC.
128	6/3/2014	7/11/2014	38	25	RC	129836	MPI PRODUCTS KNOX INDIANA LLC
129	6/3/2014	7/11/2014	38	29	RC	129879	Planned Security
130	4/23/2014	6/1/2014	39	14	RC	127143	Greenbrier Rail Services
131	4/24/2014	6/2/2014	39	29	RC	127238	ISS Facility Services Inc.
132	4/28/2014	6/6/2014	39	6	RC	127410	CertainTeed Gypsum West Virginia, Inc.
133	5/2/2014	6/10/2014	39	14	RC	127855	Tyson Fresh Meats, Inc.
134	5/12/2014	6/20/2014	39	7	RC	128470	Community Living Services
135	5/12/2014	6/20/2014	39	20	RC	128426	Mehroke LLC dba Orland AM/PM
136	6/2/2014	7/11/2014	39	25	RC	129784	TEAM ONE CONTRACT SERVICES, LLC
137	4/25/2014	6/4/2014	40	29	RC	127311	Gefen ACF, LLC d/b/a Brooklyn Adult Care Center
138	5/9/2014	6/18/2014	40	18	RC	128325	A.S.V., INC. A/K/A TEREX

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139	5/9/2014	6/18/2014	40	14	RC	128367	Professional Contract Services, Inc.
140	5/15/2014	6/24/2014	40	2	RC	128704	Book Culture on Broadway, Inc.
141	5/15/2014	6/24/2014	40	6	RC	128727	Campbell Transportation Company, Inc.
142	5/23/2014	7/2/2014	40	4	RC	129280	Revolutionary Home Health Services, LLC
143	5/23/2014	7/2/2014	40	16	RC	129372	ANGELICA TEXTILE SERVICES, INC.
144	5/23/2014	7/2/2014	40	16	RC	129319	Lyondell Chemical Company and Equistar Chemical, L.P.
145	5/28/2014	7/7/2014	40	4	RC	129500	Volunteer Medical Service Corps of Lansdale
146	4/22/2014	6/2/2014	41	13	RC	127071	Cook-DuPage Transportation Co., Inc.
147	4/23/2014	6/3/2014	41	4	RC	127144	GILES & RANSOME, INC.
148	4/25/2014	6/5/2014	41	18	RC	127335	THE TRUSTEES OF THE HAMLINE UNIVERSITY OF MINNESOTA
149	4/25/2014	6/5/2014	41	18	RC	127314	GERDAU AMERISTEEL U.S. INC.
150	5/2/2014	6/12/2014	41	21	RC	127863	IRON MOUNTAIN, INCORPORATED
151	5/2/2014	6/12/2014	41	3	RC	127809	Casella Waste Management of NY Inc.
152	5/2/2014	6/12/2014	41	15	RC	127850	BERG STEEL PIPE CORPORATION
153	5/2/2014	6/12/2014	41	19	RC	127859	SVZ USA WASHINGTON, INC.
154	5/2/2014	6/12/2014	41	6	RC	127848	Pyramid Healthcare, Inc.
155	5/16/2014	6/26/2014	41	7	RC	128854	Oakland Logistic Services
156	5/16/2014	6/26/2014	41	19	RC	128880	ADT LLC d/b/a ADT SECURITY SERVICES
157	5/23/2014	7/3/2014	41	18	RC	129281	UNIVERSITY OF ST. THOMAS
158	5/22/2014	7/2/2014	41	5	RC	129198	Master Security Company, LLC
159	4/16/2014	5/28/2014	42	32	RC	126731	Corinthian Colleges, Inc. d/b/a Wyotech
160	4/16/2014	5/28/2014	42	5	RC	126704	Block by Block, a wholly-owned subsidiary of SMS Holdings Inc. SUNSET MANOR HEALTHCARE GROUP, INC D/B/A CRAWFORD MANOR
161	4/21/2014	6/2/2014	42	8	RC	127027	HEALTHCARE CENTER
162	4/22/2014	6/3/2014	42	8	RC	127039	SUNBELT RENTALS, INC.
163	4/23/2014	6/4/2014	42	14	RC	127161	Road & Rail Services, Inc.
164	4/23/2014	6/4/2014	42	1	RC	127117	AZ CORPORATION
165	4/23/2014	6/4/2014	42	18	RC	127156	Garda CL Great Lakes, Inc.
166	4/23/2014	6/4/2014	42	4	RC	127215	LONGPORT SHIELDS, INC.
167	4/24/2014	6/5/2014	42	14	RC	127234	Morrison Management Specialists, Inc.
168	4/25/2014	6/6/2014	42	12	RC	127331	Hospital Housekeeping Systems, LLC
169	4/28/2014	6/9/2014	42	1	RC	127485	Bob's Discount Furniture LLC
170	4/29/2014	6/10/2014	42	6	RC	127553	Point Park University
171	4/30/2014	6/11/2014	42	13	RC	127667	MCC Healthcare Services, Inc.
172	5/2/2014	6/13/2014	42	9	RC	127816	BABCOCK & WILCOX CONVERSION SERVICES, LLC
173	5/2/2014	6/13/2014	42	13	RC	127909	Friends Family Health Center
174	5/6/2014	6/17/2014	42	14	RC	128082	Stahl Specialty Company
175	5/7/2014	6/18/2014	42	31	RC	128171	GEO Corrections and Detention, LLC.
176	5/9/2014	6/20/2014	42	2	RC	128310	U.S. SECURITY ASSOCIATES, INC.
177	5/9/2014	6/20/2014	42	10	RC	128340	Performance Food Group, Inc. d/b/a Vistar Carolina
178	5/9/2014	6/20/2014	42	4	RC	128315	HARMONY LEASING, INC.
179	5/9/2014	6/20/2014	42	8	RC	128338	NORTH JACKSON SPECIALTY STEEL, LLC
180	5/12/2014	6/23/2014	42	21	RC	128458	UNIVERSAL PROTECTION SERVICES, L.P.
181	5/12/2014	6/23/2014	42	4	RC	128473	Milestone Management
182	5/13/2014	6/24/2014	42	22	RC	128545	EVENT SOLUTIONS INTERNATIONAL, INC.
183	5/13/2014	6/24/2014	42	19	RC	128591	Metro Metals Northwest Inc.
184	5/15/2014	6/26/2014	42	4	RC	128714	SONOCO PROTECTIVE SOLUTIONS
185	5/15/2014	6/26/2014	42	18	RC	128732	LAKEWOOD HEALTH CENTER
186	5/16/2014	6/27/2014	42	4	RC	128813	Mydatt Services Inc. d/b/a Valor Security Services

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187	5/16/2014	6/27/2014	42	32	RC	128843	Sutter Central Valley Hospitals, d/b/a Memorial Medical Center
188	5/21/2014	7/2/2014	42	14	RC	129178	Flowers Baking Company of Batesville, LLC
189	5/28/2014	7/9/2014	42	5	RC	129548	IESI MD Corporation
190	5/29/2014	7/10/2014	42	29	RC	129552	Dry Cycle Brands LLC d.b.a. Fly Cleaners
191	5/30/2014	7/11/2014	42	29	RC	129661	Catholic Charities Neighborhood Services, Inc.
192	5/30/2014	7/11/2014	42	1	RC	129665	LEWISTON OPERATIONS, LLC d/b/a MARSHWOOD CENTER
193	5/30/2014	7/11/2014	42	21	RC	129667	INTEGRATED SUPPORT SOLUTIONS, INC
194	5/30/2014	7/11/2014	42	21	RC	129678	MV TRANSPORTATION, INC.
195	5/30/2014	7/11/2014	42	21	RC	129683	MV TRANSPORTATION, INC.
196	6/3/2014	7/15/2014	42	13	RC	129882	ThyssenKrupp Materials NA
197	6/4/2014	7/16/2014	42	5	RC	130030	PD&E, LLC
198	6/4/2014	7/16/2014	42	4	RC	130016	Milestone Management, LLC
199	6/4/2014	7/16/2014	42	9	RC	130028	PRINT FULFILLMENT SERVICES LLC
200	6/4/2014	7/16/2014	42	32	RC	130039	Doctors Medical Center of Modesto, Inc.
201	4/16/2014	5/29/2014	43	13	RC	126786	F. H. Maintenance Ltd.
202	4/22/2014	6/4/2014	43	7	RC	127102	Tendercare Mount Pleasant Island Hospitality Management 3 Inc., D/B/A Residence Inn by Marriott-
203	4/23/2014	6/5/2014	43	2	RC	127128	White Plains
204	5/2/2014	6/14/2014	43	19	RC	127831	Bodycote IMT, Inc.
205	5/8/2014	6/20/2014	43	13	RC	128257	XPEDX, a division of International Paper Company
206	5/28/2014	7/10/2014	43	1	RC	129480	BAY STATE DRYWALL COMPANY, INC.
207	6/3/2014	7/16/2014	43	7	RC	129979	Panera, LLC
208	5/12/2014	6/25/2014	44	14	RC	128419	Medevac Medical Response, Inc. d/b/a American Medical Response
209	5/9/2014	6/24/2014	46	18	RC	128308	A.S.V., INC. A/K/A TEREX
210	5/16/2014	7/1/2014	46	16	RC	128913	South Texas Project Nuclear Operating Company
211	4/28/2014	6/13/2014	46	3	RC	127374	Marist College AB CAR RENTAL SERVICES, INC., a wholly owned subsidiary of AVIS
212	5/15/2014	7/1/2014	47	19	RC	128703	BUDGET GROUP
213	4/14/2014	6/2/2014	49	19	RC	126549	American Legion Muldoon Post No. 29, Inc.
214	5/6/2014	6/24/2014	49	18	RC	128039	Program Productions, Inc.
215	4/18/2014	6/9/2014	52	9	RC	126973	PARAGON SYSTEMS, INC.
216	4/21/2014	6/13/2014	53	2	RC	126999	ACTION ENVIRONMENTAL SYSTEMS, LLC et al.
217	5/2/2014	6/24/2014	53	29	RC	127872	Unlimited Care, Inc.
218	5/13/2014	7/7/2014	55	19	RC	128561	Antioch University d/b/a Antioch University Seattle
219	5/22/2014	7/17/2014	56	14	RC	129207	ABB Inc.
220	6/3/2014	7/29/2014	56	7	RC	129337	Advanced Communication Cabling, Inc.
221	5/5/2014	7/1/2014	57	12	RC	127950	Whitestone Group, Inc.
222	4/28/2014	6/25/2014	58	19	RC	127475	Carlisle Interconnect Technologies, Inc. G4S Government Solutions, Inc., d/b/a WSI Savannah River Site, a/k/a
223	4/17/2014	6/18/2014	62	10	RC	126849	WSI-SRS
224	5/15/2014	7/18/2014	64	22	RC	128749	PILOT TRAVEL CENTERS LLC, d/b/a PILOT FLYING J
225	6/2/2014	8/7/2014	66	22	RC	129815	GTS AMBULANCE TRANSPORTATION, LLC United Helpers Nursing Home, Inc. d/b/a River Ledge Health Care and
226	5/5/2014	7/11/2014	67	3	RC	127878	Rehabilitation Center
227	5/1/2014	7/9/2014	69	4	RC	127744	Tolt Solutions, Inc.
228	5/20/2014	7/29/2014	70	19	RC	128945	Kanaway Seafoods, Inc. d/b/a Alaska General Seafoods
229	5/12/2014	7/21/2014	70	8	RC	128479	NORTHEAST OHIO COLLEGE PREPARATORY SCHOOL
230	5/12/2014	7/21/2014	70	8	RC	128480	UNIVERSITY OF CLEVELAND PREPARATORY SCHOOL

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231	4/29/2014	7/9/2014	71	3	RC	127544	Autism Services, Inc.
232	5/1/2014	7/11/2014	71	12	RC	127729	Unidad Laboral de Enfermeras(os) y Empleados de la Salud
233	6/2/2014	8/14/2014	73	13	RC	129824	Parsec, Inc.
234	5/23/2014	8/13/2014	82	25	RC	129277	Rock River Academy and Residential Center
235	6/4/2014	8/27/2014	84	32	RC	130050	Ormat Nevada, Inc. d/b/a Mammoth Pacific LP
236	6/5/2014	9/10/2014	97	7	RC	130062	The Kroger Company of Michigan
237	4/16/2014	8/29/2014	135	21	RC	126690	HERITAGE TRANSPORTATION, INC.
238	5/6/2014	10/2/2014	149	4	RC	128119	Compass Group, USA, Inc. Soaring Eagle Casino and Resort, An Enterprise of The Saginaw
239	5/20/2014	10/27/2014	160	7	RC	129013	Chippewa Indian Tribe of Michigan
240	5/15/2014	12/1/2014	200	2	RC	128722	Baked by Melissa



## Final NLRB "Ambush Election" Rule Will Boost Union Organizing

by Timothy M. McConville, Esq.

With private-sector union membership rates at historic lows, organized labor has received a boost from the National Labor Relations Board ("NLRB" or the "Board") that is expected to help union organizers win more certification elections. Employers and employees have considerable cause for concern.

On December 15, 2014, the Federal Register published the Board's final rule governing the filing and processing of petitions relating to the representation of employees for purposes of collective bargaining. The rule will dramatically shorten the time between the filing of a certification petition and the conduct of an NLRB secret ballot election. It is set to become effective April 14, 2015, although the Chamber of Commerce and other organizations have filed suit in federal court in the District of Columbia asking the court to vacate the rule.

In the years 2002-2010, more than 90% of representation elections were conducted within 56 days of the filing of a petition. During the same time, the median time between petition and election was 37-38 days. Since 2010, the median time from petition to election was 38 days. The rule does not mandate that an election occur within a certain period of time but, by overhauling NLRB representation case procedures, the rule is expected to reduce campaign time to 21-24 days, and possibly less.

Two Board members, Philip A. Miscimarra and Harry I. Johnson, III, dissented from the Board's final rule, citing, among other problems, its destructive effect on employers' and employees' ability to communicate among themselves regarding the prospect of a union in the workplace. "The Final Rule has become the Mount Everest of regulations: Massive in scale and unforgiving in its effect," the dissenters wrote. "The Rule's primary purpose and effect remain . . . : Initial union representation elections must occur as soon as possible." As a result, the dissenters asserted that "[t]he Rule improperly shortens the time needed for employees to understand relevant issues, compelling them to 'vote now, understand later.'"

The NLRB rule, also known as the "quickie election" rule or the "ambush election" rule, eliminates pre-election evidentiary hearings and requests for review and defers decision on virtually all issues relating to appropriateness of units and voter eligibility now decided at the pre-election stage. The new rule also expands the personal information relating to employees which employers are required to disclose to unions in voter eligibility lists known as "Excelsior lists." Specifically, the Board will require that both telephone numbers, including mobile phone numbers, and email addresses, if available, be included along with employees' names and addresses. In addition, the NLRB will require that the employer disclose the employee's work location, shift, and classification.

The effect of the rule could be significant. In union organizing drives, organizers often conduct their activities underground and employers have no hint of organizing activity until the union files its petition at the NLRB. Under the NLRB's current process, the median campaign time of 38 days is a relatively short period which generally helps unions. The NLRB's election statistics show that, under current rules, unions won well over 60% of certification elections in 2008-2013 period. By shortening the time between petition and election, the NLRB proposal will certainly increase organized labor's win rate.

The NLRB's rulemaking signals the Board's most aggressive use ever of regulatory power to accomplish objectives advocated by organized labor, and private-sector employers should be prepared to see more union organizing activity. The old adage that an ounce of prevention is better than a pound of cure will become more and more relevant. Employers should consider proactive measures to prepare for a higher risk of organizing, including proactive human resources practices, the cultivation of a positive workplace culture, regular supervisor training in employee relations, and communication to employees regarding how a union in the workplace can affect them. Effective communications with employees to cement the relationship between employees and the employer and build employee trust also will be essential.

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## **Vote Now, Understand Later: NLRB's Ambush Election Rule Becomes Effective**

**by Timothy M. McConville, Esq.**

The National Labor Relations Board's final rule governing the processing of representation petitions became effective today. The rule, which was published in December 2014, will dramatically shorten the time between the filing of a certification petition and the conduct of an NLRB election.

The new Board procedures will boost union officials' success in organizing campaigns at the expense of employees who now will have limited time to learn how a union in the workplace really will affect them. "Vote now, understand later" is how dissenting NLRB members Philip A. Miscimarra and Harry I. Johnson III appropriately summarized the rule in their dissent. They also instructed that the new rule's "election now, hearing later" approach to NLRB procedure effectively denies important due process safeguards formerly available to the parties in petition cases.

The following summarizes the various ways the final rule changes or codifies the current practice.

1. Electronic Filing. Representation petitions may be filed with the Board electronically. The prior rules required hard-copy or facsimile filing.
2. Service. Representation petitions (and related documents) must be served by the petitioner. The Board's prior rules did not require the petitioner to serve a copy of its petition on the other parties.
3. Showing of Interest. At the same time the petition is filed with the Board, the petitioner must also provide evidence that employees support the petition (the "showing of interest"). Petitioner must also provide the name and contact information of its representative. The prior rules gave the petitioner 48 hours after the petition to file the showing of interest.
4. Mandatory Notice-Posting. When a petition is filed, the employer must post and distribute to employees a Board notice about the petition and the

potential for an election to follow. Under prior practice, such notice was voluntary (and less detailed).

5. Hearing in 8 Days. The pre-election hearing will generally be scheduled to open 8 days from notice of the hearing. This change imposes more uniformity across the regions and eliminates significant variations in the time between notice of hearing and the hearing itself, which variations reportedly ranged from 7 days to 10 days in some regions to as many as 13 to 15 days in other regions.
6. No Lengthy Continuances. The pre-election hearing will continue from day to day until completed, absent extraordinary circumstances. Prior practice did not address the standard for granting lengthy continuances.
7. Position Statement Required to Preserve Arguments. Non-petitioning parties are required to state a position responding to the petition in writing 1 day before the pre-election hearing is set to open. The statement must identify the issues they wish to litigate before the election; litigation inconsistent with the statement will not be permitted. Timely amendments to the statement may be made on a showing of good cause. The employer must also provide a list of the names, shifts, work locations, and job classifications of the employees in the petitioned-for unit, and any other employees that it seeks to add to the unit. The statement must also identify the party's representative for purposes of the proceeding. The new "pleading" requirements will likely weigh far more heavily on employers than on unions. Prior practice requested parties to state positions and provide a list of employees and job classifications before the hearing, but did not require production of such information prior to the hearing. Prior practice in some regions required parties to take positions on the issues orally at the hearing, but the practice was not uniform.
8. Petitioner Response Required at Hearing. At the start of the hearing, the petitioner is required to respond on the record to the issues raised by the other parties in their statements of position. Litigation inconsistent with the response will not be permitted. If there is a dispute between the parties, the hearing officer has discretion to ask each party to describe what evidence it has in support of its position, i.e., make an offer of proof.
9. Limited Purpose of Hearing. The purpose of the pre-election hearing, to determine whether there is a "question of representation," is identified in the rule, which will permit the regional director to prevent litigation of various issues the Board believes to be a waste of resources. Prior rules did not expressly state the purpose of the hearing.
10. Evidence Limited to Purpose of Hearing. Once the issues are presented, the regional director will decide which, if any, voter eligibility questions should be litigated before an election is held. These decisions will be made bearing in mind the purpose of the hearing. Generally, only evidence that is relevant to a question that will be decided may be introduced at the pre-

election hearing. Prior rules required, for example, litigation of voter eligibility issues that the regional director will now be able to exclude from the pre-hearing election.

11. No Briefing. The hearing will conclude with oral argument, and no written briefing will be permitted unless the regional director grants permission to file such a brief. Prior rules permitted parties to file briefs.
12. No Transfer to Board. The regional director must decide the matter, and may not *sua sponte* transfer it to the Board. The prior rule provided a transfer procedure.
13. Review Only for Compelling Reasons. Absent waiver, a party may request Board review of action of a regional director delegated under Section 3(b) of the Act. Requests will only be granted for compelling reasons. Requests may be filed any time during the proceeding, or within 14 days after a final disposition of the case by the regional director. The prior rules included a variety of means for asking for Board review, including a "request for review" which only applied to the direction of election; other mechanisms for postelection review which varied depending upon the type of procedure chosen by the regional director or the form of election agreement; and a catchall "special permission to appeal." Review of the direction of the election had to be sought before the election.
14. Limited Stays. A request for review will not operate as a stay unless specifically ordered by the Board. Stays and/or requests for expedited consideration will only be granted when necessary. The prior rules included an automatic stay of the count of ballots ("impounding the ballots") in any case where a request was either granted or pending before the Board at the time of the election. A stay should not be routine, but should be an extraordinary form of relief.
15. No Stays In Anticipation of Review Requests. Elections will no longer be automatically stayed in anticipation of requests for review. The prior rules generally required the election which followed a Decision and Direction of Election to be held between 25 and 30 days after the direction of election. The purpose of this requirement was to permit requests for review to be ruled on by the Board in the interim. This change accounts for much of the time that was available under the prior rule, and that will now be lost, for employees to learn and debate about the election issues.
16. Election Details Set in Direction of Election. The regional director will ordinarily specify in the direction of election the election details, such as the date, time, place, and type of election and the payroll period for eligibility. Parties will take positions on these matters in writing in the statement of position and on the record before the close of the hearing. Under prior practice, election details were typically addressed after the direction of election was issued.

17. Elections on Earliest Date. The long-standing instruction from the Casehandling Manual that the regional director will set the election for the earliest date practicable is codified.
18. Notice of Election Transmitted Earlier. The regional director will ordinarily transmit the notice of election at the same time as the direction of election. Both may be transmitted electronically. Previously, the notice was transmitted by mail after the direction of election.
19. Electronic Notices to Employees. If the employer customarily communicates with its employees electronically, it must distribute all election notices to employees electronically, in addition to posting paper notices at the workplace. Prior rules required only paper notices.
20. Excelsior Lists Required Earlier With Emails/Phones. Within 2 business days of the direction of election, employers must electronically transmit to the other parties and the regional director a list of employees with contact information, including more modern forms of contact information such as personal email addresses and phone numbers if the employer has such contact information in its possession. The list should also include shifts, job classifications, and work locations. The list may only be used for certain purposes but the rule provides no specific remedy for any misuse of the list. Prior caselaw gave employers 7 days to produce a list of names and home addresses and send it to the Board, which then served the list on the parties.
21. Offers of Proof Required for Blocking Charges. When a charge is filed alleging the commission of unfair labor practices that could compromise the fairness of the election, the regional director has discretion to delay (or "block") the election until the issue can be resolved. Any party seeking to block the election must simultaneously file an offer of proof and promptly make witnesses available. This rule is intended to expedite investigation of and help weed out meritless or abusive blocking charges.
22. Offers of Proof for Obligations Due Earlier. After the election, parties have 7 days to file both objections and offers of proof in support. Objections, but not offers, must be served by the objector on other parties. Prior rules gave 7 days for objections but 14 days for evidence in support of the objections.
23. Post-Election Hearings Within 21 Days. If necessary, a post-election hearing on challenges and/or objections will be scheduled to open 21 days after the tally of ballots or as soon as practicable thereafter. Prior rules set no timeline for opening the hearing.
24. Final Decisions Required. In every case, the regional director will be required to issue a final decision. Where applicable, the regional director's decision will be subject to requests for review under the procedure described in item 13 above.

25. Housekeeping Changes. Finally, the rule eliminates a number of redundancies and consolidates and reorganizes the regulations so that they may be more easily understood.

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