

Tom Luetkemeyer Weighs-in on Potential Repeal of NLRB’s “Ambush” Election Rule

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Tom Luetkemeyer – a Chicago-based partner in the labor and employment group at Hinshaw & Culbertson LLP – was quoted in an article titled “‘Ambush’ Election Rule Under Fire” published by *Human Resource Executive Online*. The article addresses the prospect of the National Labor Relations Board’s (NLRB) “ambush” election rule being undone.

In 2015, the NLRB had established a new election rule, which some have characterized as a “quickie election” or even less flattering, an election “ambush” rule. The new rule reduced the waiting time for union elections to as few as 10 days. The proposed Workforce Fairness and Democracy Act being considered by the U.S. Congress would repeal the rule. Luetkemeyer not only thinks the bill has a good chance of becoming law given the current makeup of the Senate and House, not to mention the White House, but also believes employers and HR leaders have reasons for wanting this to happen. “I believe the rule was designed in part to help unions win more elections. The rule also gives unions a tactical advantage, because they get to decide when to file the petition and timing is critical in union campaigns,” says Luetkemeyer. In the meantime, Luetkemeyer cautions employers to remember that the ambush election rule still remains in effect and suggests they take proactive steps to demonstrate the benefits of their workplace to employees.

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