

Winning Your Unit at the NLRB

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- Average Days to Get to Election
 - 23 days with agreement
 - 41 days with hearing
- 91% of Elections are by Stipulated Agreement

The Stats

- Still Unchanged
 - Since 2009, range is 24-28 people per unit
- *Specialty Healthcare* Did Not Create Micro Units
- *PCC Structural*s Will Not Result in Bigger Units

Size of the Bargaining Unit

- When Filing the Petition, Make a Request to the Region for Subpoenas
 - In the cover letter so the request is immediately processed
 - Ad Testificandum for people
 - Duces Tecum for things
- As Soon as Case Number is Assigned, Serve the Duces Tecum on the Same Agent of the Employer

Getting the Information You Need

- Corporate Structure or Organizational Chart
- Job Descriptions
- Wage Rates
- Work Rules
- Handbooks
- Documents that Show Integration or Interchange
 - For the Unit requested and any Unit the Employer contends is appropriate

What Am I Asking For?

- 5 Business Days to Petition to Revoke
 - Not usually decided until morning of hearing
 - Gather all the documents just in case
- Bargaining Unit Employees Who are Subpoenaed Do Not Have to Show Their Employer the Subpoena

Subpoena Timeline

- Has it Changed Because of *PCC Structuralists*?
 - Not really
 - Use employer divisions/regions/work areas
 - Licensure requirements
 - Skills, Interchange, Integration
- Still No Gerrymandering

Defining the Unit

- Date of the Election?
- Manual/Mail Ballot?
 - Agency resources as a factor
- Polling Locations?
- Release Schedule?
- Language of Ballots?
- Who is Eligible to Vote?

Is It Litigable?

- The 2015 Rules Allow for the Regional Director to Postpone Decision Making on Some Job Titles Being In or Out
 - Previously, this was only in Stipulated Agreements
 - 20% rule of thumb, but not codified
 - Raises issues
 - Employer stacking the Unit
 - Who is a Supervisor
 - Denied the Right to Litigate

Challenged Ballots

- In 2018, 2158 petitions were filed*
 - Only 1454 were resolved by election – 67%
 - Of that, Unions won 64%

 - But 640 petitions were withdrawn
 - Some voluntary recognition
 - Some probably refiled
 - Most at the Union's request
- * Based on cases closed

The Numbers

- 1250* Elections Held in 2018
- The Union Wins 63% of the Time
 - 69% in RC (1055 elections)
 - 30% in RD (173 elections)
 - 27% in RM (22 elections)

* Yes, I know the numbers don't match

Who Is Requesting the Election?

- Contract Negotiations are Getting Harder
 - More Avoidance of First Contracts
 - More Extreme Positions in Subsequent Agreements
- Internal Organizing Has to Be a Priority, Even in Private Sector
 - Keep What We Have
 - Increase Market Share

Then What?

Questions?