

Bugbee & Conkle, LLP

THE EMPLOYER

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EMPLOYMENT LAW SEMINAR – 9/22/11

We are pleased to invite you to our annual Employment Law Seminar, on Thursday, September 22, 2011 at the Holiday Inn French Quarter, 10630 Fremont Pike, Perrysburg, Ohio 43551. Registration starts at 12:30 p.m. The Seminar begins at 1:00 p.m. The Seminar ends at 4:20 p.m.

We will present the following topics:

1. The Unions are coming! The growing impact of the NLRB's pro labor agenda.
2. Social Media and its Impact on Employers.
3. Unemployment hearings: The devil is in the details.
4. Healthcare Reform update.
5. Tips to stay Union free.
6. Workers' compensation law update.
7. Intersection of the FMLA, ADA, and Ohio workers' compensation law.

Please register by Monday, September 20, 2010, by emailing spierce@bugbee-conkle.com or calling us at (419) 244-6788. We look forward to seeing you at the Holiday Inn French Quarter on September 22, 2011.

NLRB proposes pro-union changes

On June 22, 2011, the National Labor Relations Board (NLRB) published a Notice of Proposed Rulemaking proposing amendments to the NLRB regulations. The effect of the changes on employers will be to dramatically curtail their time and opportunity to conduct a pre-election campaign. If these proposed rules are adopted after the public notice and comment period, the proposed amendments would:

1. Permit electronic filing of election petitions, election notices, and voter lists.



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2. Require the Regional Director to set a pre-election hearing to begin seven days after a hearing notice is served and a post election hearing fourteen days after the tally of ballots.
3. Require parties to state their position no later than the start of the hearing to ensure resolution of genuine issues.
4. Defer litigation involving eligibility issues raised by parties involving less than 20 percent of the bargaining unit until after the election.
5. Require the non-petitioning party to produce a preliminary voter list, including the names, work location, shift, and classification, by the start of the pre-election hearing.
6. Eliminate the pre-election request for review by the Board of rulings by the Regional Director.
7. The final voter list would include phone numbers and email addresses (when available).

These proposed regulatory changes, if finalized, will reverse long-established Board procedure, and make it much easier for unions to organize, by effectively limiting an employer's ability to adequately communicate with its employees about the issue of unionization.

A public hearing was held on July 18 and July 19 regarding the proposed rules. In addition, the NLRB has published a fact sheet regarding the proposed rules, which is available, if you click on this link:

<http://www.nlr.gov/node/525>

Public comments on the proposed amendments may also be submitted in writing by August 22, 2011, either electronically through www.regulations.gov or by mail or hand delivery to Lester A. Heltzer, Executive Secretary, NLRB, 1099 14th Street NW, Washington DC 20570.

For more information concerning the proposed NLRB election rules and regulations please contact a member of our Labor and Employment law practice group at (419) 244-6788.

THE EMPLOYER is not intended to provide legal advice, but is intended as a service to the clients of Bugbee & Conkle, LLP and to alert them to recent developments affecting the employment relationship, with a particular emphasis on the perspective of the employer.