



# Getting (Union) Organized in the New Year: What Nonunion Employers Can Do Now to Prepare for New Union-Favorable Landscape

January 27, 2015

## Firm Event

Gray Plant Mooty  
80 South Eighth Street  
500 IDS Center  
Minneapolis, MN 55402

**Nonunion employers in the private sector today are at substantially increased risk for union organizing and having to defend charges of unfair labor practice.**

As the percentage of unionized workforces dwindles, the efforts by the National Labor Relations Board (NLRB) to make it possible for unions to reverse that trend have increased. In the past month alone, the NLRB has taken multiple actions that could have a dramatic impact on the union organizing landscape. They have drastically revised the procedures and timelines for election campaigns, generally required employers to permit employees to use company email systems for union organizing, targeted franchisors as joint employers with their franchisees, severely limited the previously existing exemption for religious employers, and modified the test for whether faculty members in higher education are "managerial" employees. Likewise, unions have also been on the offensive, increasingly organizing new sectors and employers, such as charter schools and adjunct faculty members in higher education.

This briefing by the GPM Labor Law Team will update nonunion employers on these recent changes in labor law and union strategy, suggest best practices and policies to avoid union organizing and trouble with the NLRB, and offer guidance for employer action if organizing activity begins. The presentation will cover:

- Recent activity from the NLRB
- Union organizing trends and tactics
- Steps to take to prepare for union activity
- Best practices in responding to union organizing