Compliance Checklist for the “Ambush Election” Rule

## Legal Strategies

* Establish relationship with experienced labor-relations counsel
* Educate management about union activities
* Monitor local compensation/benefits trends
* Train supervisory personnel about their responsibilities
* Prepare management’s responses in advance of union organizing
* Be prepared to provide necessary information (e.g., names, job classifications, phone numbers, home and email addresses, etc.) of employees in the each potential bargaining unit[[1]](#footnote-1)\*
* Review all policies regarding solicitation, distribution, and workplace access
* Ensure counsel raises legal issues in prehearing filings and before the hearing closes.

## Working with Unions

* Encourage HR and supervisors to maintain open communication with union leaders
* Find common cause and solve problems together
* Conduct joint training sessions on issues of common concern
* Include mediation options in labor contracts, if possible

\*Appropriate bargaining units in acute care hospitals are registered nurses, physicians, other professionals, technical employees, skilled maintenance employees, business office clerical employees, guards, and other nonprofessional employees. The NLRB determines appropriate units in other healthcare facilities. (29 C.F.R. § 103.30.)

*Source*: HR Policy Association, Washington DC. Used with permission

1. [↑](#footnote-ref-1)