

Building Worker Power Through Recognition and Collective Bargaining

The NLRB Election and Recognition Guidebook

Workers have the legal right to come together, identify shared workplace concerns, and decide whether they want union representation. The National Labor Relations Act (NLRA) protects that right and establishes a process through which employees can choose representation either through **voluntary recognition** or through a **secret-ballot election supervised by the National Labor Relations Board (NLRB)**. The procedures described in this guide are grounded in NLRA representation procedures and NLRB representation case processing.

At its core, **union recognition** occurs when an employer acknowledges that employees have selected a union to represent them in collective bargaining. Recognition generally occurs in one of two ways:

1. **Voluntary Recognition** – The employer agrees to recognize the union after being presented with evidence that a majority of workers support union representation.
2. **NLRB Election** – Employees vote in a secret-ballot election conducted under NLRB supervision to determine whether they wish to be represented by a union.

In practical terms, union recognition is similar to choosing a representative for your workplace. Workers decide whether they want a union to speak and bargain on their behalf, and either the employer accepts that choice voluntarily or the NLRB oversees a process designed to ensure that employees can make that decision fairly, privately, and free from interference.

For many workers and union leaders, the recognition process can feel complex and intimidating. Petitions, hearings, election rules, voter eligibility issues, and appeals often involve unfamiliar procedures. Yet at its core, the process is about one fundamental principle: allowing workers to decide whether they want union representation and to build collective power in their workplace.

This guidebook is designed to help union staff, organizers, local leaders, and worker committees navigate that process with confidence. Serving as both a training resource and practical reference, it explains the key stages of a representation campaign, from collecting authorization cards and seeking recognition to navigating NLRB proceedings, elections, certification, and first-contract bargaining.

While the guide explains the legal requirements of representation proceedings, it approaches the process through both an organizing and legal lens. Successful campaigns depend not only on procedural compliance but also on worker leadership, strategic planning, strong relationships, and collective action. Throughout the guide, readers will find practical explanations, legal guidance, strategic considerations, common challenges, and organizing checklists to support effective campaign planning and decision-making.

To make the guide practical and easy to use, each chapter follows a consistent structure:

- **What Happens**
 - An overview of the stage in the process and the actions taken by workers, unions, employers, and the NLRB.
- **What This Means in Practice**
 - A practical explanation of how the process affects organizing campaigns, worker leaders, and union strategy.
- **Legal Framework**
 - A summary of the key legal principles, requirements, deadlines, and procedures that govern that part of the process.
- **Strategic Considerations**
 - Important decisions, opportunities, risks, and organizing implications that leaders should evaluate.
- **Common Challenges**
 - Frequent obstacles and pitfalls that arise during representation campaigns.
- **Checklist for Organizers**
 - A practical action list to help organizers prepare for and manage each phase of the campaign.

Throughout this guide, readers will explore the major stages of the recognition process, from building worker support and collecting authorization cards to seeking recognition, navigating NLRB proceedings, participating in elections, obtaining certification, and preparing for collective bargaining. The guide also includes key legal concepts, appeals, blocking charges, and practical tools to help organizers manage both the legal and organizing aspects of a campaign.

Although NLRB procedures and legal standards may change over time, one principle remains constant: workers have the right to decide whether they want union representation. Understanding the process is not only about complying with legal requirements; it is about helping workers exercise their rights, build collective power, and improve their workplaces.

Most importantly, recognition is not the end goal. Whether achieved through voluntary recognition or an election victory, recognition marks the beginning of the work of bargaining, developing leaders, strengthening member engagement, and building a democratic, member-driven union. This guide is intended to help organizers, leaders, and workers navigate that journey with confidence and clarity.

Step 1: Building Support and Collecting Authorization Cards

What Happens

Workers begin discussing workplace concerns and the possibility of union representation. As support grows, workers sign authorization cards indicating that they want a union to represent them. Authorization cards demonstrate employee interest and are used to support a future petition or request for recognition.

What This Means in Practice

Authorization card collection is the foundation of every recognition campaign. Organizers use one-on-one conversations, issue identification, and workplace mapping to build support before collecting cards. While the law requires support from only a portion of the workforce, successful campaigns typically build a much stronger majority before moving forward.

Workers should understand that authorization cards are not public documents and are reviewed confidentially by the NLRB. Strong card support not only satisfies legal requirements but also demonstrates workplace momentum and readiness for the next phase of the campaign.

Legal Framework

A representation petition requires a showing of interest from at least 30% of employees in the proposed bargaining unit. The showing of interest is usually demonstrated through signed authorization cards. The Regional Director reviews the showing of interest confidentially, and it is not subject to litigation.

Strategic Considerations

- Build support well beyond the minimum legal threshold.
- Ensure cards are accurate, timely, and properly maintained.
- Define the proposed bargaining unit carefully.
- Assess whether workplace support is stable enough to withstand an employer campaign.

Common Challenges

- Misunderstanding the purpose of authorization cards.
- Filing too early with insufficient support.
- Inconsistent card collection and record keeping.
- Uncertainty about which workers belong in the proposed bargaining unit.

Checklist for Organizers

- ☐ Conduct workplace mapping
- ☐ Identify workplace issues
- ☐ Build organizing committee capacity
- ☐ Collect authorization cards

- ☐ Verify card accuracy
- ☐ Assess majority support
- ☐ Evaluate campaign readiness

Step 2: Voluntary Recognition and Petition Filing

What Happens

Once a strong majority of workers support union representation, the union may request voluntary recognition from the employer. If the employer declines to recognize the union voluntarily, a representation petition may be filed with the NLRB seeking an election.

What This Means in Practice

The union must decide whether to seek recognition directly from the employer or proceed immediately to the NLRB process. This decision often depends on the level of support, the employer's relationship history, and the overall organizing strategy.

A request for recognition frequently becomes a major turning point because it often triggers the employer's response and can accelerate the election timeline.

Legal Framework

An RC petition initiates a representation case and must identify the employer, the proposed bargaining unit, and include a sufficient showing of interest. If voluntary recognition is granted, the parties may notify the NLRB to establish a recognition bar that provides a protected period for bargaining. Employers may also file RM petitions under certain circumstances. Current Board law concerning recognition demands and RM petitions remains subject to ongoing litigation and potential change.

Strategic Considerations

- Be fully prepared before making a recognition demand.
- Anticipate employer legal challenges.
- Be prepared to defend the proposed bargaining unit.
- Have witnesses, evidence, and documentation ready before recognition is requested.

Common Challenges

- Employer refusal to recognize the union.
- Disputes regarding bargaining unit composition.
- Rapid transition from organizing campaign to legal proceedings.
- Fluctuating levels of worker support.

Checklist for Organizers

- ☐ Confirm majority support
- ☐ Finalize bargaining unit description
- ☐ Prepare recognition demand
- ☐ Assess employer response scenarios
- ☐ Identify legal support needs
- ☐ Prepare petition materials

Step 3: NLRB Investigation and Pre-Election Proceedings

What Happens

After receiving a petition, the NLRB Regional Director investigates whether the petition should proceed. The investigation focuses on jurisdiction, representation questions, bargaining unit appropriateness, and potential legal barriers. If necessary, a pre-election hearing may follow.

What This Means in Practice

Many issues can be resolved before a hearing occurs. The Regional Director becomes one of the most important decision-makers in the process. Organizers must be prepared to explain why the proposed unit is appropriate and why an election should move forward.

This stage often determines who will vote and what the election will ultimately look like.

Legal Framework

The Regional Director has authority to investigate petitions, seek information from parties, dismiss petitions, narrow issues, or move cases to a hearing. The Director evaluates jurisdiction, representation questions, bargaining unit appropriateness, and potential election bars.

Strategic Considerations

- Focus attention on decisions made by the Regional Director.
- Resolve weak disputes informally where possible.
- Preserve favorable facts and evidence early.
- Prepare for bargaining unit disputes.

Common Challenges

- Jurisdictional questions.
- Unit determination disputes.
- Conflicting interpretations of eligibility standards.
- Incomplete preparation for hearings.

Checklist for Organizers

- ☐ Gather supporting evidence
- ☐ Review unit composition
- ☐ Identify key witnesses
- ☐ Prepare factual timeline
- ☐ Coordinate legal and organizing teams
- ☐ Monitor Regional Office communications

Step 4: Hearing, Statement of Position, and Unit Determination

What Happens

If issues remain unresolved, a pre-election hearing may occur. Parties submit Statements of Position outlining the issues they wish to litigate and their legal arguments. The hearing focuses on matters necessary to determine whether an election should occur.

What This Means in Practice

The Statement of Position is much more than a form. It can define the entire case. Arguments omitted at this stage may be lost later.

Most hearings focus on bargaining unit questions rather than individual voter disputes.

Legal Framework

The Statement of Position functions as a pleading requirement, litigation-limiting tool, and waiver mechanism. The Regional Director controls the scope of the hearing and determines which issues will be litigated. Certain voter eligibility disputes may be deferred until after the election.

Strategic Considerations

- Preserve all plausible arguments.
- Use alternative unit arguments when appropriate.
- Focus on category-based inclusion and exclusion issues.
- Anticipate future appeals.

Common Challenges

- Waiving arguments unintentionally.
- Limited hearing scope.
- Insufficient offers of proof.
- Failure to preserve issues for review.

Checklist for Organizers

- ☐ Complete Statement of Position
- ☐ Review all potential legal arguments
- ☐ Prepare witnesses
- ☐ Develop offers of proof
- ☐ Coordinate hearing strategy
- ☐ Preserve issues for possible review

Step 5: Election Preparation and Voting

What Happens

If the Regional Director directs an election, election logistics are established, voter lists are provided, and employees participate in a secret-ballot vote. Elections may occur in person or by mail.

What This Means in Practice

The campaign enters its most visible stage. Organizers focus on voter turnout, communication, and protecting employee free choice while ensuring workers understand election procedures.

Every eligible worker should have an opportunity to vote.

Legal Framework

The Regional Director controls election logistics, issues Notices of Election, oversees voting procedures, and supervises ballot challenges. Secret-ballot elections are conducted under NLRB supervision.

Strategic Considerations

- Review voter lists carefully.
- Train election observers.
- Monitor challenged ballots.
- Focus on turnout and communication.

Common Challenges

- Errors on voter lists.
- Confusion about voting procedures.
- Challenged ballots.
- Low participation.

Checklist for Organizers

- ☐ Review Excelsior list
- ☐ Contact eligible voters
- ☐ Select observers
- ☐ Educate workers about voting
- ☐ Develop turnout plan
- ☐ Monitor election logistics

Step 6: Post-Election Challenges, Certification, and Bargaining

What Happens

After ballots are counted, parties may challenge ballots or file objections. Once disputes are resolved, the Regional Director certifies the results and issues either a Certification of Representative or a Certification of Results. If the union is certified, bargaining obligations begin.

What This Means in Practice

Winning the election is not the end of the campaign. Certification creates new responsibilities, including preparing for collective bargaining and maintaining workplace engagement.

The focus shifts from winning recognition to winning a first contract.

Legal Framework

Objections generally must be filed within five business days of the tally. The Regional Director investigates objections and challenges and may order a hearing. Following resolution of all disputes, certification is issued. Parties may seek Board review under established procedures.

Strategic Considerations

- Preserve evidence immediately after the election.
- Assess potential objections carefully.
- Prepare bargaining infrastructure early.
- Evaluate litigation and review options when necessary.

Common Challenges

- Missed filing deadlines.
- Inadequate evidence preservation.
- Weak objections.
- Lack of post-election organizing structure.

Checklist for Organizers

- ☐ Review tally of ballots
- ☐ Assess challenges and objections
- ☐ Preserve evidence
- ☐ Prepare bargaining team
- ☐ Develop bargaining communications plan

☐ Launch contract campaign planning

Recommended Final Chapters

After these six steps, add two standalone chapters:

This would create a guidebook that is simultaneously:

- Accessible to organizers,
- Useful for local leaders,
- Practical for staff, and

Chapter 7: Appeals, Requests for Review, and Blocking Charges

What Happens

Not every dispute ends when a Regional Director (RD) issues a decision. Parties may seek review of certain RD decisions by the NLRB in Washington, D.C. However, Board review is discretionary, meaning the Board decides whether a case warrants further consideration. Filing a request for review does not automatically stop the election process or other case proceedings. Parties may also combine requests for review of both pre-election and post-election decisions.

A separate but related process involves **blocking charges**. If a party believes unlawful conduct has occurred that could interfere with employee free choice, it may file an unfair labor practice charge and request that the representation case be delayed while the allegations are investigated. The Regional Director evaluates whether the alleged conduct, if proven, could affect employee free choice.

What This Means in Practice

Appeals are not simply a second chance to argue the same case. The Board generally expects significant legal or factual issues before it will review an RD's decision. Most RD decisions stand as issued.

Blocking charges are often both legal and strategic tools. They can affect election timing and may lead to additional investigation of employer or union conduct. Organizers should understand that the existence of a blocking charge does not automatically stop a campaign. Rather, it creates an additional legal track that may affect the election timeline and organizing strategy.

Legal Framework

The Board grants Requests for Review only under limited circumstances, including:

- A novel legal issue lacking controlling precedent.
- A substantial error of fact or law.
- A prejudicial hearing ruling.
- A decision that conflicts with established Board precedent.

Following post-election decisions, parties generally have 14 days to request Board review.

Opposing parties may file responses within the applicable regulatory deadlines.

Under 29 C.F.R. § 103.20, parties may file unfair labor practice charges and request that representation proceedings be held in abeyance. The Regional Director evaluates whether the alleged conduct could interfere with employee free choice and whether delaying the representation proceeding is appropriate. Recent changes to the Board's approach to blocking charges have altered how these requests are processed, and future changes remain possible.

Strategic Considerations

- Use Requests for Review selectively and strategically.
- Focus on significant legal or factual errors rather than raising every possible disagreement.
- Preserve issues throughout the case in case future review becomes necessary.
- Evaluate whether filing a blocking charge advances both legal and organizing objectives.
- Build a strong factual record before seeking Board intervention.
- Consider how appeals and blocking charges affect member engagement, campaign momentum, and election timing.

Common Challenges

- Assuming every unfavorable decision will be reviewed.
- Missing filing deadlines.
- Failing to preserve issues during earlier stages of the case.
- Filing weak or unsupported blocking charges.
- Treating appeals as substitutes for strong organizing campaigns.
- Managing worker expectations when legal proceedings become lengthy.

Checklist for Organizers

- ☐ Review RD decisions immediately upon receipt
- ☐ Consult legal counsel regarding review standards
- ☐ Preserve all evidence and hearing records
- ☐ Track filing deadlines carefully
- ☐ Evaluate legal and strategic implications of an appeal
- ☐ Assess whether conduct supports a blocking charge
- ☐ Gather witness statements and supporting documentation
- ☐ Communicate developments clearly to worker leaders and members
- ☐ Maintain organizing momentum regardless of legal proceedings

Chapter 8: Legal Reference Guide, Key Terms, Timelines, and Required Documents

What Happens

Throughout the recognition and election process, organizers interact with a series of legal documents, deadlines, decisions, and procedural requirements. Understanding these requirements helps unions move efficiently through the process while avoiding preventable mistakes.

This chapter serves as a quick-reference section that organizers, staff, and local leaders can consult throughout a campaign. It consolidates major legal concepts, important deadlines, and key documents used during the representation process.

What This Means in Practice

Most representation cases are won or lost long before the election takes place. Strong organizing remains essential, but successful campaigns also depend upon strong documentation, compliance with deadlines, and careful preparation.

Organizers do not need to become labor attorneys. However, understanding the basic legal framework allows them to anticipate challenges, coordinate effectively with legal staff, and make informed strategic decisions throughout the campaign.

Legal Framework

Key Terms

Authorization Card

A signed document indicating an employee's desire for union representation. Authorization cards are often used to demonstrate support for filing a petition or requesting voluntary recognition.

Bargaining Unit

The group of employees determined to share a sufficient community of interest and vote together regarding union representation.

Regional Director (RD)

The NLRB official responsible for investigating petitions, conducting hearings, directing elections, resolving disputes, and certifying results.

RC Petition

A representation petition, typically filed by a union seeking an election.

RM Petition

A petition filed by an employer seeking an election under circumstances recognized by Board law.

Statement of Position

A document identifying the issues a party intends to litigate and its positions on those issues. Failure to raise issues may result in waiver.

Direction of Election (DDE)

The Regional Director's decision directing an election and establishing voting procedures and unit parameters.

Excelsior List

The voter eligibility list provided by the employer to facilitate communication with eligible voters.

Certification of Representative

The formal NLRB certification issued when a union wins an election.

Major Documents

- Authorization Cards
- Recognition Demand
- RC Petition
- RM Petition
- Notice of Petition for Election
- Statement of Position
- Notice of Hearing
- Excelsior Voter List
- Tally of Ballots
- Objections and Offers of Proof
- Request for Review
- Certification of Representative
- Certification of Results

Key Timelines

- Minimum showing of interest for petition processing: **30% of the proposed bargaining unit.**
- Employer must post and distribute the Notice of Petition for Election within **2 business days** after service of the Notice of Hearing.
- Under the current rule discussed in the source materials, pre-election hearings generally occur within **8 calendar days** from petition filing, absent approved postponements.
- Election objections generally must be filed within **5 business days** after the tally of ballots is prepared.
- Exceptions to hearing officer reports generally must be filed within **10 business days.**

- Responses to exceptions generally must be filed within **5 business days**.
- Requests for review of post-election decisions generally must be filed within **14 days**.

Strategic Considerations

- Develop a campaign calendar that includes both organizing and legal milestones.
- Assign responsibility for every filing and deadline.
- Maintain secure records and document management practices.
- Coordinate regularly between organizers and legal staff.
- Anticipate procedural requirements before they arise.
- Prepare worker leaders to explain the process clearly to coworkers.
- Treat compliance as part of organizing, not separate from it.

Common Challenges

- Missing filing deadlines.
- Incomplete documentation.
- Poor record keeping practices.
- Confusion regarding bargaining unit composition.
- Failure to understand procedural requirements.
- Inadequate coordination between organizing and legal teams.
- Focusing exclusively on legal compliance while neglecting worker engagement.

Checklist for Organizers

- ☐ Maintain secure authorization card records
- ☐ Verify bargaining unit descriptions
- ☐ Create a comprehensive campaign calendar
- ☐ Track all hearing, election, and review deadlines
- ☐ Maintain witness and evidence files
- ☐ Review all filings before submission
- ☐ Coordinate regularly with legal counsel
- ☐ Train worker leaders on process basics
- ☐ Create member communications explaining major milestones

- ☐ Prepare for bargaining before certification is issued
- ☐ Archive documents for future campaigns and institutional learning

Final Organizer's Reminder

The NLRB process is both a legal process and an organizing process. The strongest campaigns combine majority worker support, effective leadership development, strategic planning, procedural compliance, and a clear understanding of the legal framework that governs representation elections. Throughout every stage, the goal remains the same: ensuring that workers are able to exercise their right to choose representation and build collective power in the workplace

Chapter 9: Certification and Recognition

What Happens

After the election is completed, the NLRB resolves any remaining challenges, objections, or disputes related to the voting process. Once all issues have been addressed, the Regional Director issues one of two certifications:

- **Certification of Representative** if the union wins the election.
- **Certification of Results** if the union does not win the election.

Certification is the final administrative step in the representation process and formally establishes the outcome of the election. The Regional Director's certification concludes the representation proceeding unless further review is sought and granted.

If workers achieve recognition through voluntary recognition rather than an election, certification is generally not required for the union to begin functioning as the representative of employees. However, parties may notify the NLRB of voluntary recognition to obtain certain protections that support the bargaining relationship.

What This Means in Practice

Certification is the moment when an organizing campaign officially transitions into a representational relationship.

For workers and organizing committees, certification is often viewed as the finish line because it confirms the outcome of the election. In reality, certification marks the beginning of a new phase of work. Attention now shifts from winning support to maintaining engagement, building bargaining structures, and preparing for negotiations.

Organizers should ensure that workers understand what certification does and does not accomplish. Certification creates legal rights and obligations, but it does not automatically improve wages, benefits, or working conditions. Those changes generally come through collective bargaining and strong member participation after recognition is achieved.

Legal Framework

The Regional Director issues certification after all election-related disputes have been resolved. Certification serves as the final administrative determination regarding representation status.

The Regional Director may issue:

- A **Certification of Representative**, confirming that the union has been selected as the bargaining representative.
- A **Certification of Results**, confirming that the union did not secure representation rights through the election process.

Prior to certification, parties may file objections regarding election conduct and challenges concerning voter eligibility. The Regional Director investigates these matters and may conduct additional proceedings if necessary. Requests for Board review may also be available under applicable procedures.

Strategic Considerations

- Begin planning for bargaining well before certification is issued.
- Maintain communication with worker leaders throughout the certification period.
- Use the time between the election and certification to strengthen member engagement.
- Prepare communications explaining next steps once certification occurs.
- Evaluate whether any unresolved legal issues require further review.
- Develop a transition plan from campaign structure to bargaining structure.

Common Challenges

- Assuming certification immediately follows the election.
- Losing worker engagement while disputes are being resolved.
- Confusion regarding what certification accomplishes.
- Failing to prepare bargaining teams before certification is issued.
- Inadequate communication about post-election timelines.
- Treating certification as the end of organizing rather than the beginning of representation.

Checklist for Organizers

- ☐ Monitor all post-election proceedings
- ☐ Track objections and challenged ballots
- ☐ Maintain worker communications
- ☐ Prepare bargaining team structures
- ☐ Develop post-certification communications
- ☐ Review legal obligations associated with certification
- ☐ Identify workplace priorities for bargaining
- ☐ Plan leadership development and member engagement activities
- ☐ Celebrate the milestone while reinforcing the work ahead

Chapter 10: Recognition and the Beginning of Collective Bargaining

What Happens

Once recognition is established, either through voluntary recognition or NLRB certification, the union becomes the employees' bargaining representative. The employer is then required to bargain in good faith concerning wages, hours, and working conditions.

The representation process formally ends, and the collective bargaining process begins. The focus shifts away from obtaining representation and toward negotiating a first collective bargaining agreement.

What This Means in Practice

Recognition is one of the most significant milestones in a union campaign, but it is not the ultimate goal.

Workers often enter the recognition process seeking improvements in their workplace. Recognition provides the legal framework for pursuing those improvements collectively. However, achieving a strong first agreement requires many of the same skills that made the organizing campaign successful, including worker engagement, leadership development, communication, and collective action.

The most successful newly recognized bargaining units continue organizing after recognition. They maintain committee structures, engage workers regularly, and ensure members understand that negotiations are a collective effort rather than a process led solely by staff or bargaining committee members.

Legal Framework

Following voluntary recognition or certification, the employer has a legal obligation to bargain in good faith with the employees' chosen representative concerning mandatory subjects of bargaining, including wages, hours, and working conditions.

Where voluntary recognition has been reported to the NLRB, a recognition bar may apply for a reasonable period, allowing the parties an opportunity to establish a bargaining relationship. The source materials indicate that this period is generally between six months and one year depending on the circumstances.

Certification establishes the union's status as the exclusive bargaining representative of employees in the bargaining unit.

Strategic Considerations

- Begin bargaining preparation before recognition is finalized.
- Identify bargaining priorities through member engagement.

- Build representative bargaining teams that reflect the workplace.
- Establish communication systems to keep members informed.
- Develop a long-term strategy that links bargaining goals to ongoing organizing.
- Continue leadership development and member education throughout negotiations.
- Treat negotiations as an opportunity to strengthen workplace organization and solidarity.

Common Challenges

- Member expectations that improvements will occur immediately.
- Declining participation once recognition is achieved.
- Limited preparation for bargaining.
- Internal disagreement regarding priorities.
- Communication gaps during negotiations.
- Shifting from campaign leadership structures to representational structures.

Checklist for Organizers

- ☐ Announce recognition and explain next steps
- ☐ Establish bargaining committee structures
- ☐ Conduct bargaining surveys and listening sessions
- ☐ Identify contract priorities
- ☐ Develop member communication plans
- ☐ Train bargaining team members
- ☐ Create systems for ongoing worker engagement
- ☐ Align bargaining strategy with organizing goals
- ☐ Prepare for first-contract negotiations
- ☐ Continue leadership development efforts

Key Takeaway

Recognition and certification are not the conclusion of worker organizing. They are the bridge between workers choosing representation and workers exercising that collective power through bargaining. The strongest campaigns recognize that organizing, recognition, certification, and bargaining are all part of the same long-term effort to build an effective and sustainable union.

Chapter 11: Key Legal Concepts Every Organizer Should Know

What Happens

Throughout the representation process, organizers, worker leaders, employers, attorneys, and NLRB officials use legal concepts that influence how cases move forward, how disputes are resolved, and how workers exercise their right to choose representation.

Understanding these concepts helps organizers anticipate challenges, communicate effectively with workers, and make informed strategic decisions at every stage of the campaign. The concepts described below appear repeatedly throughout representation proceedings and often shape both legal and organizing outcomes.

What This Means in Practice

Most organizing campaigns do not fail because organizers misunderstand workers. They struggle because participants misunderstand the process, deadlines, legal standards, or decision-making authority.

You do not need to become a labor lawyer to run a successful campaign. However, every organizer should understand the legal concepts that drive representation cases so they can:

- Anticipate employer challenges.
- Advise workers accurately.
- Coordinate effectively with legal counsel.
- Build realistic campaign timelines.
- Make strategic decisions that support organizing goals.

The most effective organizers understand both the organizing campaign and the legal framework that surrounds it.

Legal Framework

Representation Petition (RC Petition)

A petition filed with the NLRB seeking an election to determine whether employees want union representation. The petition identifies the employer, describes the proposed bargaining unit, and must be supported by a sufficient showing of interest.

Showing of Interest

Evidence demonstrating employee support for representation, typically through signed authorization cards. A minimum showing of interest of 30% is required for a petition to proceed. The NLRB reviews the showing confidentially, and it is not litigated.

Authorization Cards

Documents signed by employees indicating support for union representation. Cards may be used to support a petition or a request for voluntary recognition.

Bargaining Unit

The group of employees who share a community of interest and are included in the representation proceeding and election. Unit composition often becomes one of the most important issues in an election campaign.

Voluntary Recognition

A process in which an employer recognizes the union based upon demonstrated majority support, often through authorization cards, without requiring a secret-ballot election.

Regional Director (RD)

The NLRB official who investigates petitions, conducts hearings, directs elections, resolves disputes, and certifies results. Regional Directors exercise substantial authority throughout the process.

Statement of Position

A document requiring parties to identify issues they wish to litigate and describe their positions. Issues omitted may be waived or precluded from later litigation.

Decision and Direction of Election (DDE)

The Regional Director's decision determining that an election should be conducted and establishing election parameters, unit composition, and eligibility rules.

Excelsior List

The voter eligibility list supplied by the employer that allows eligible employees to be contacted regarding the election.

Challenged Ballots

Ballots cast by employees whose eligibility is disputed. These ballots may be resolved after the election if they could affect the outcome.

Objections

Formal claims alleging misconduct or irregularities that could have affected election results. Objections must be timely and supported by evidence.

Blocking Charges

Unfair labor practice charges filed with the goal of preventing or delaying election processing when alleged conduct may interfere with employee free choice.

Request for Review

A request asking the Board to review a Regional Director's decision. Review is discretionary and granted only in limited circumstances.

Certification of Representative

The NLRB's formal recognition that employees selected the union as their bargaining representative.

Certification of Results

The NLRB's formal certification that the union did not prevail in the election.

Strategic Considerations

- Focus on the decisions made by the Regional Director.
- Anticipate unit disputes early.
- Understand how procedural rules affect organizing strategy.
- Preserve evidence and documentation throughout the campaign.
- Educate worker leaders on key legal terms before filing.
- Coordinate organizing and legal planning throughout the process.
- Remember that legal victories alone do not build majority support.

Common Challenges

- Confusion about legal terminology.
- Misunderstanding filing deadlines and procedural requirements.
- Assuming legal minimums equal organizing readiness.
- Failing to appreciate the significance of bargaining unit decisions.
- Losing focus on organizing while concentrating exclusively on legal strategy.
- Inadequate documentation and record management.

Checklist for Organizers

- ☐ Understand the role of the Regional Director
- ☐ Learn core legal terminology before filing
- ☐ Review key deadlines and procedural requirements
- ☐ Understand bargaining unit principles

- ☐ Develop systems for record keeping
- ☐ Coordinate regularly with legal counsel
- ☐ Train committee members on legal basics
- ☐ Maintain focus on building majority support
- ☐ Balance legal strategy with organizing strategy

Master Organizer's Checklist

NLRB Recognition and Election Campaign Checklist

This checklist is designed as a comprehensive campaign management tool that spans the entire recognition process from initial organizing through certification and bargaining preparation.

Phase 1: Building Support

- ☐ Map the workplace
- ☐ Identify natural leaders
- ☐ Build an organizing committee
- ☐ Identify workplace issues
- ☐ Conduct one-on-one conversations
- ☐ Establish campaign goals
- ☐ Assess workplace support
- ☐ Develop communication systems
- ☐ Collect authorization cards
- ☐ Verify card accuracy and storage
- ☐ Assess readiness to move forward

Phase 2: Recognition Strategy

- ☐ Define the proposed bargaining unit
- ☐ Review legal eligibility questions
- ☐ Determine recognition strategy
- ☐ Develop employer response scenarios
- ☐ Prepare recognition demand
- ☐ Coordinate with legal counsel
- ☐ Assess campaign strength
- ☐ Determine filing readiness

Phase 3: Petition Filing

- ☐ Complete petition documents
- ☐ Verify showing of interest
- ☐ Confirm bargaining unit description
- ☐ File petition in appropriate region
- ☐ Serve required parties
- ☐ Establish legal calendar
- ☐ Notify organizing committee of next steps

Phase 4: Investigation and Hearing Preparation

- ☐ Respond promptly to Regional Office requests
- ☐ Gather supporting evidence
- ☐ Identify witnesses
- ☐ Review unit inclusion and exclusion issues
- ☐ Develop factual timeline
- ☐ Prepare legal arguments
- ☐ Coordinate staff and legal resources
- ☐ Monitor hearing schedule

Phase 5: Statement of Position and Hearing

- ☐ Complete Statement of Position
- ☐ Identify all issues to be litigated
- ☐ Preserve alternate arguments
- ☐ Prepare offers of proof
- ☐ Prepare witnesses
- ☐ Review hearing procedures
- ☐ Coordinate hearing strategy
- ☐ Preserve issues for possible review

Phase 6: Election Preparation

- ☐ Review Notice of Election
- ☐ Obtain and review Excelsior list
- ☐ Correct voter list errors
- ☐ Educate workers about voting procedures
- ☐ Train election observers
- ☐ Develop turnout plan
- ☐ Establish member communication schedule
- ☐ Monitor campaign developments

Phase 7: Election Day

- ☐ Confirm election logistics
- ☐ Monitor voting process
- ☐ Support election observers
- ☐ Track challenged ballots
- ☐ Address worker questions
- ☐ Document significant events
- ☐ Promote voter participation

Phase 8: Post-Election Proceedings

- ☐ Review tally of ballots
- ☐ Assess challenged ballots
- ☐ Evaluate potential objections
- ☐ Preserve evidence immediately
- ☐ Gather witness statements if needed
- ☐ Meet filing deadlines
- ☐ Communicate results to workers

Phase 9: Appeals and Review

- ☐ Review Regional Director decisions
- ☐ Assess grounds for review
- ☐ Consult legal counsel
- ☐ Preserve records and transcripts
- ☐ Monitor filing deadlines
- ☐ Evaluate blocking charge issues
- ☐ Maintain member engagement during litigation

Phase 10: Certification

- ☐ Monitor final case disposition
- ☐ Review certification documents
- ☐ Communicate certification results
- ☐ Transition campaign structures
- ☐ Celebrate campaign milestones
- ☐ Prepare for bargaining

Phase 11: Recognition and Bargaining Preparation

- ☐ Establish bargaining team
- ☐ Conduct bargaining surveys
- ☐ Identify bargaining priorities
- ☐ Develop bargaining communications plan
- ☐ Train bargaining team members
- ☐ Create ongoing member engagement systems
- ☐ Develop first-contract strategy
- ☐ Continue leadership development
- ☐ Align bargaining with organizing goals
- ☐ Build long-term union infrastructure

Final Campaign Health Check

Before moving from one phase to the next, ask:

- ☐ Do we have majority worker support?
- ☐ Have we developed worker leaders?
- ☐ Are workers engaged and informed?
- ☐ Are we meeting required deadlines?
- ☐ Have we preserved necessary evidence and records?
- ☐ Are organizing and legal strategies aligned?
- ☐ Have we communicated clearly and regularly?
- ☐ Are we preparing for the next step before it arrives?
- ☐ Are we building long-term power, not just winning an election?