

OFFICE OF THE GENERAL COUNSEL
Division of Operations-Management

MEMORANDUM OM 13-34

March 7, 2013

TO: Regional Directors, Officers-in-Charge, Resident Officers

FROM: Anne Purcell, Associate General Counsel

SUBJECT: Change in Notices of Election (Form NLRB 707)

Election notices are currently printed on 14" by 25½" sheets divided into three 8½" by 14" panels. The Oce 1055 series of copiers that the Agency uses to print and fold these notices has been discontinued, and none of the copiers currently on the market are capable of printing and folding 14" by 25½" notices. The Agency's contract to service these copiers expires on June 1, 2013, and the Agency anticipates that it will begin replacing its current fleet of copiers in late April or early May 2013.

In the near future, Regions will be provided with Notices consisting of three panels printed onto separate 8½" by 14" sheets which say "Panel 1 of 3", "Panel 2 of 3", and "Panel 3 of 3" at the bottom. Regions will be expected to copy the language setting forth the election details onto the center panel, "Panel 2 of 3", and employers will be requested to post the three panels side by side, as if they were one document.

Regions may continue using the 14" by 25½" single page notices until their inventory is depleted or their copiers are replaced. When Regions begin using the three panel notices, Regions should ensure that the letter sending out the Notices includes instructions for posting the three panels side by side. The NxGen template sending out election notices has been modified to include optional text that can be selected to include those instructions. A copy of the letter with the optional text is attached. When it appears that most Regions are using the three panel Notices, the NxGen template will be modified to default to the language regarding three panel notices and provide an option for selecting the current text, which does not contain the above described instructions.

If you have any questions regarding the above, please contact your AGC or Deputy.

/s/
A.P.

Letter Sending Out Election Notices (With Optional First Paragraph)

Employer name and address

Re:

Dear :

Enclosed are the Notices of Election in the above matter. Each Notice consists of three 8 ½” by 14” panels which are labeled “Panel 1 of 3”, “Panel 2 of 3” and “Panel 3 of 3” at the bottom. The three panels should be treated as one 25 ½” by 14” document, with the panel labeled “Panel 1 of 3” posted first on the left, “Panel 2 of 3” in the middle, and “Panel 3 of 3” on the right. Please post them on bulletin boards and other conspicuous places in areas where the employees in the bargaining unit work. To help avoid an issue about the adequacy of the posting period, **the notices should be posted immediately upon receipt.**

Notice Posting Requirement

Section 103.20 of the Board’s Rules and Regulations requires employers to post the Board's official Notice of Election in conspicuous places at least 3 working days, not including Saturdays, Sundays, and holidays, prior to 12:01 a.m. of the day of the election. **Therefore, the enclosed notices must be posted prior to 12:01 a.m. on** . Failure to comply with this posting requirement is grounds for setting the election aside whenever proper and timely objections are filed.

Section 103.20 also provides that an employer is conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Office at least 5 working days prior to the commencement of the election that it has not received copies of the election notice. Failure to do so within that time period precludes an employer from filing objections based on the nonposting of the election notice.

Very truly yours,

Regional Director

Enclosures:

cc: