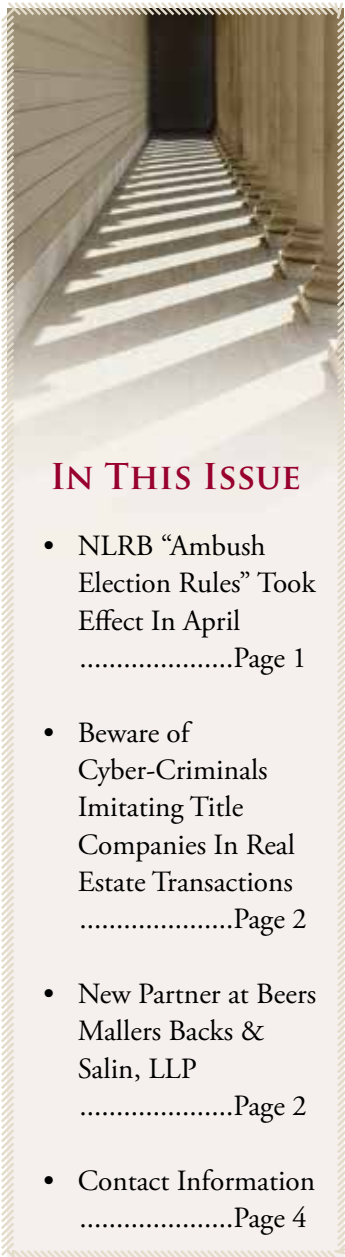


BUSINESS LAW SUMMARY

NEWS AND IMPORTANT INFORMATION FOR YOUR BUSINESS



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NLRB “AMBUSH ELECTION RULES” TOOK EFFECT IN APRIL

by Laura L. Maser

The National Labor Relations Board (NLRB) issued its new union election rules and they became the law of the land on April 14, 2015. Most non-union folks refer to the new rules as the “ambush election rules” because they basically allow a union, which has quietly been waging its union campaign among your employees for months, to ambush an employer by filing a union representation petition and getting the petition to vote in a very short time frame. The new election rules 1) will mandate that the majority of union representation elections be held within 10 to 21 days of the date the petition was filed; 2) will mandate that most disputes over individual voter eligibility be delayed until after the election has taken place; 3) will fast-track pre-election hearings (hearings are expected to take place within 8 days of the filing of the petition); 4) will require employers to file a very detailed Statement of Position within 7 days of receipt of

the election petition (failure to raise various issues in this Statement may preclude the employer from raising the issues at the representation hearing); and 5) will require the employer to provide the union with more thorough and extensive employee contact information including home address, telephone number and, if known, e-mail address.

The new rules will put all employers, but particularly, small businesses at a distinct disadvantage. The union will probably have been wooing your employees for months before a small business is served with a formal representation petition. With the expedited track an election will take under the new rules, an employer will have precious little time to educate its employees and combat the union’s campaign points. Additionally, an employer will be forced to act very quickly to hire experienced labor

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BEWARE OF CYBER-CRIMINALS IMITATING TITLE COMPANIES IN REAL ESTATE TRANSACTIONS

by John B. "Jack" Bentz

At least one local title company has implemented new security measures to attempt to protect against "spoofing" attacks by cyber criminals in real estate transactions. These types of attacks can occur when a cyber-criminal intercepts unsecured e-mails related to a real estate transaction. In some of these instances, the criminal intercepts an unsecured e-mail about a closing. The criminal then may forward imitation wire instructions to a party to the closing requesting that they wire money pursuant to the fake instructions. These criminals are apparently very sophisticated, and have the ability to make the e-mails and the wire instructions look legitimate. Unfortunately, these criminals have been successful in duping some unsuspecting victims into wiring money to these criminals, instead of to the legitimate title company. Accordingly, at least one local title company is now sending certain e-mails related to closings via secured e-mail. This requires the recipient to register and enter certain

passwords to view the e-mails on a secure site. Also, title companies in some instances are sending certain correspondence via fax, as fax transmissions are apparently less susceptible to being intercepted. This is somewhat odd as fax technology has become obsolete in recent years, but because of this security concern, we have now been receiving more fax correspondence related to real estate transactions. Accordingly, please be cautious and aware of this concern when you are involved in real estate transactions.



NEW PARTNER AT BEERS MALLERS BACKS & SALIN, LLP



sales, acquisitions, contracts, real estate and land development. He also represents municipalities at the

Please join us in congratulating Adam M. Henry in being named a partner of Beers Mellers Backs & Salin, LLP. Adam concentrates his practice in the areas of business and corporate matters including the formation of business entities,

federal, state and local levels. A native of Fort Wayne, Adam is a graduate of the Indiana University Maurer School of Law, Bloomington, Indiana. He married his high school sweetheart, Jennifer, and they have two children, Julia and Liam. Adam remains extremely active in the community including the Fort Wayne Sports Corporation, among other organizations. In March 2014, Adam was recognized by Greater Fort Wayne Business Weekly as a "Forty Under 40" – an award honoring forty individuals from Northeast Indiana under the age of 40 who are making a difference either on the job or in the community. Again, please join Beers Mellers Backs & Salin, LLP in celebrating this significant accomplishment for Adam and his family!

NLRB “AMBUSH ELECTION RULES” TOOK EFFECT IN APRIL *(Continued)*

counsel in order to adequately address pre-election issues in a time-compressed fashion.

This all seems dire, but there are things you can do now. First, be aware of the new rules and know that if you are on the receiving end of a representation petition, you will need to act FAST! Second, understand that with these new rules in place and with your opportunity to engage in an anti-union campaign significantly curtailed, you should be running a constant pro-employer/anti-union campaign. This means educating your supervisors and senior management personnel to be on constant lookout for what may be union activity and also educating your supervisors and senior management staff; to legally address a union campaign that may be in the works. You can also work on training and educating your

employees as to reasons why the company should remain non-union and in control of its own destiny. Highlight the cooperative and positive relationship management has with staff, highlight the fact that management and employees have peacefully coexisted and engaged in problem solving for years without the participation of a third party; and highlight your desire that employees come directly to supervisors and senior management with concerns so that proactive and cooperative solutions can be put into place.

In short – run your anti-union campaign as part of your day-to-day business! And if you’re still unfortunate enough to be the target of a union campaign, remember to act quickly because the election will come swiftly!!





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