



LIBA

News & Views

Lincoln Independent Business Association

Providing Leadership to the Business Community.

LUNCHEON PROGRAM

TUESDAY, DECEMBER 19

The Jasmine Room by Venue located inside the Grand Manse

129 N. 10th Street



LIBA Luncheon
 Tuesday, Dec. 19, 2023
 11:45 a.m.
 Jasmine Room, Grand Manse
 Speaker:
 Nebraska Governor Jim Pillen

 Luncheon Host: Lincoln Airport

The monthly LIBA LUNCHEON is open to all LIBA Members and their guests with advanced reservation required if you eat lunch. Lunch will be served beginning at 11:30 am, the meeting begins at noon and ends promptly at 1:00 pm.

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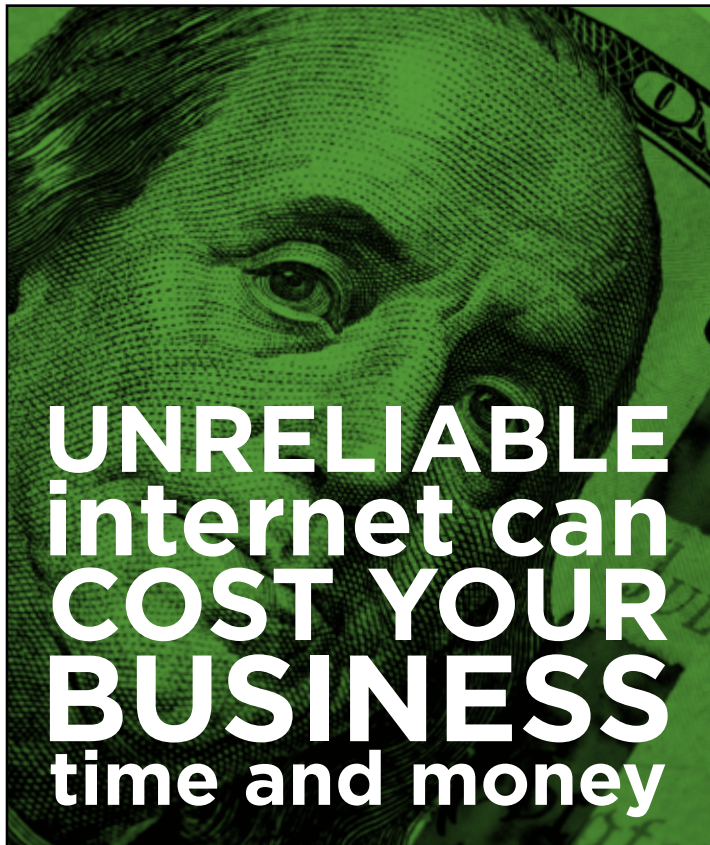
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Reflections and Thanks

Bud Synhorst, President & CEO, Lincoln Independent Business Association



This will be my final article as President & CEO of LIBA. I have always subscribed to the philosophy of why the rearview mirror is so small and the windshield is so big, giving us the opportunity to have a wide view of what is ahead of us and a small view of what is behind us. However, this month, I think it

is time to look in the rearview mirror over the past four years.

A little over four and a half years ago, we lost our friend, Coby Mach. This news hit me hard as both a friend of Coby and a member of LIBA. Coby recruited me to be a member of LIBA in 2013 and we became quick friends, sharing our interests in politics and bourbon. Coby was always there to help. During the selection process, at times it was awkward to be interviewing for a position to replace a close friend. When the position was offered to me, it was surreal. Coming to work each day in his office was an adjustment, and an honor at the same time.

Fast forward to about six months after beginning my position at LIBA, a pandemic hit the world and we had to adjust our operations hour by hour and day by day. During the pandemic, my focus for LIBA was to make sure we were available to anyone who needed help navigating the changing factors in the pandemic. One project we engaged in early in the pandemic was establishing a web site "Nebraska Buy Local" where consumers could support local businesses by purchasing gift cards to help local businesses. Unfortunately, we lost several local businesses during the pandemic.

Coming out of the pandemic our members were steadfast in their desire to get back to networking and connect with fellow business owners. LIBA delivered this opportunity for them. LIBA had the last major event going into the pandemic and the first major event coming out of the pandemic. As business owners were getting back to their activities, we started hosting educational sessions to address workforce issues to help business owners develop strategies for moving forward in a new environment. Shortly after, LIBA formed

a partnership with The Career Academy. The LIBA/TCA partnership has provided business owners with opportunities such as career fairs, job fairs and a recent pathway summit. To connect the business community with trained individuals to meet their workforce needs was a great success. Over the course of these connections hundreds of TCA students have been able to get jobs where they are putting their skills to work and filling essential workforce needs for local business.

When LIBA started 43+ years ago the goal was to be the voice of small business in our community. I am proud to say today, we continue to be the voice of small business. LIBA has established a presence with the City Council, County Board, LPS Board, Nebraska Legislature, and several other areas to articulate the voice of business and the issues facing business today.

Moving forward, I want to share a heartfelt message of thanks to our members for their continued support of LIBA. Your commitment, dedication, and loyalty to LIBA and the local business community is inspiring. I look forward to continuing my membership with LIBA as I move forward in my own business. As I am sure you can all relate, stepping out into my own business comes with a whole new level of excitement, anticipation, and nervousness. Yet without the support of my wife Nikki and our family, this would not be possible. Finally, a word of thanks to our elected officials in the community. Whether we agreed or not, we had civil conversations and were always able to come back to the table time and again to discuss issues. Wishing you all the best down the road. Onward!



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Lincoln, NE 68506

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UNION KNOCKING ON THE DOOR - NEW NLRB DECISION KNOCKS DOWN THE DOOR TO UNIONIZATION OF YOUR EMPLOYEES

By Jerry L. Pigsley | WOODS AITKEN LLP | Lincoln, NE | LIBA General Counsel



On November 2, 2023, the General Counsel for the National Labor Relations Board (“Board”) issued a memorandum to the Board’s Regional Offices on an August 25, 2023, Board decision making it easier for unions to unionize employees. In her memo, she starts out by stating: “Representation

delayed is often represented denied” and “employees are harmed by delay when they must wait for their chosen representative to be able to bargain on their behalf.”

NEW DECISION OVERRULES PRIOR LONG-STANDING PRECEDENT

In Cemex Construction Materials Pacific, LLC, 372 NLRB No. 130 (Aug. 25, 2023), the Board overruled a prior Board decision upheld by the U.S. Supreme Court which had been the governing precedent for 52 years. That case held that when a union requests voluntary recognition as the bargaining representative of a unit of employees, the employer may lawfully decline the request, and it is up to the union to take the next step by filing a petition for a Board conducted election. Instead of following that precedent, a majority of the Board declared that an employer presented with a request for recognition from a card majority union must either grant the request or “promptly” file an election petition, an RM petition, and that if the employer fails to do one or the other, its employees will lose their right to vote in a secret ballot election, and the employer will have found to have violated Section 8(a)(5) of the National Labor Relations Act and will be ordered to recognize and bargain with the union. The Board further held that even if the employer files an RM petition, the petition will be dismissed, the employees will lose their right to vote in a secret ballot election, and the employer will be found to have violated Section 8(a)(5) and ordered to recognize and bargain with the union if it commits a critical period violation of Section 8(a)(1) or (3) – just one is all it takes – that would warrant setting aside results of an election.

UNIONS ARE ALIVE IN LINCOLN

Unions are present in Lincoln even though the most recent labor department statistics indicate only 8.1% of Nebraska private sector workers are unionized. The percentage of public sector workers who are unionized nationally is more than four times higher at 33.1%. This past summer, Starbucks employees at a Lincoln store unionized, the only one in Nebraska to unionize. On November 16, the Starbucks employees went on strike to coincide with the Company’s Red Cup Day, when the Company hands out free reusable cups, and one of its busiest customer traffic days.

NLRB SEEKING TO ELIMINATE DELAYS IN UNIONIZATION OF EMPLOYEES

The General Counsel’s recent memo does not have the effect of law, but reflects the General Counsel’s prosecutorial goal in eliminating delays after a union makes a verbal or written demand for recognition. According to the General Counsel, an employer may ask to view evidence of majority support, but a union is not obligated to show it. Instead, a third party can be engaged to review evidence, but that will not toll the employer’s two week deadline to file an RM petition to test the union’s majority support and/or challenge the appropriateness of the unit. Accordingly, LIBA members need to be up to speed on the new timeline and procedures when a union demands recognition based on union authorization cards signed by the employees.

Editor’s Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The author of this article, Jerry L. Pigsley, can be contacted at (402) 437-8500, jpigsley@woodsaitken.com, or at Woods Aitken LLP, 301 S. 13th Street, Suite 500, Lincoln, NE 68508-2578.



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**December
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Events**

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December 19

LIBA Luncheon

Speaker: Nebraska Governor Jim Pillen

Host: Lincoln Airport

11:45am

Jasmine Room, Grand Manse

December 21

**LIBA Ugly Sweater Party & Send-Off
for Bud Synhorst!**

Location: Whitehead Oil (2537 Randolph)

4:30-6:30pm

Drinks & Food

December 22-26

LIBA Office Closed for Christmas Holiday

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LIBA Calendar of Events December - January

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
4	5	6	7 Government Affairs- The Calvert Venue, Ste 33, 11:45 a.m.	8
11 Membership, LIBA office, 11:45 a.m.	12	13	14	15
18	19 LIBA Luncheon, Grand Manse, 11:30 a.m.	20	21	22 LIBA CLOSED in observance of Christmas
25 LIBA CLOSED in observance of Christmas	26 LIBA CLOSED in observance of Christmas	27 PR Committee, LIBA office 11:45 a.m.	28 Advisory, The Calvert Venue Ste 33, 11:45 a.m.	29
JANUARY 1	2	3	4 Government Affairs – The Calvert Venue Suite 33, 11:45 a.m.	5 GenLNK,Rock 'n' Joe's (5025 Lindberg St), 12:00 p.m.
8 Membership, LIBA office, 11:45 a.m.	9	10	11 BizNet - 4:30-6:30pm at Lee & Associates (200 S 21st St Suite A113)	12
15	16 LIBA Luncheon, Grand Manse, 11:30 a.m.	17	18	19



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