

Important NLRB Case

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A case pending before the National Labor Relations Board has the potential to have a profound impact on unionization of the workplace. In ***Specialty Healthcare and Rehabilitation Center***, 356 NLRB No. 56, the Board is expected to change the Board's 50-year bargaining standards to permit unions to organize units of employees who perform the same job. This would be a far narrower bargaining unit standard than in the past. In practical terms such a ruling could

- Make it much easier for unions to organize a workplace.
- Increase the probability that a workplace will have multiple bargaining units representing different classifications of employees.
- Increase the probability that a company's employees will be represented by-and the company must bargain with-multiple unions.
- Increase the probability that an employer would have to manage separate work schedules, grievance procedures, wage schedules and benefit packages for the various bargaining units in a given workplace.
- Reduce management's flexibility in matters such as hiring, work assignments, transfers, promotions, layoffs and overtime.
- Increase the man-hours a company spends on personnel matters such as discipline, grievances, arbitrations and bargaining.
- Reduce productivity and increase costs.

Amicus briefs in this case are due March 8. The Board will likely issue a decision within six months thereafter. Employers should review their union-free strategies in the interim. Emphasis should be placed on defining job descriptions and structuring duties so that unions cannot readily cherry-pick employees to organize.

Additional Information:

If you have any questions, please contact any of the following members of Benesch's Labor & Employment Practice Group:

Peter N. Kirsanow at 216.363.4481 or pkirsanow@beneschlaw.com

Maynard A. Buck at 216.363.4694 or mbuck@beneschlaw.com

Joseph N. Gross at 216.363.4163 or jgross@beneschlaw.com

Steven M. Moss at 216.363.4675 or smoss@beneschlaw.com