

National Labor Relations Board: Recent Rulings

October 23, 2015

Employment Law Monthly - October 2015

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National Labor Relations Board Places New Obligation on Employers Upon Expiration of Collective Bargaining Agreement

On August 27, 2015, in the case *Lincoln Lutheran of Racine*, Case No. 30-CA-111099, the National Labor Relations Board (the "Board") ruled that an employer's obligation to "check off" union dues from employees' wages continues upon the expiration of a collective bargaining agreement. In rendering this decision, the Board overruled the 53-year-old standard set forth in *Bethlehem Steel*, 136 NLRB 1500 (1962), which previously held that an employer's obligation to "check off" - that is, collect - union dues ended upon the expiration or termination of a collective bargaining agreement.

This decision is a dramatic shift from previous Board precedent. Employers and their attorneys should be aware of this new development in an effort to reduce any potential liability under the Act.

National Labor Relations Board Re-Examines the Application of the Successorship Doctrine

On August 27, 2015, in the case *GVS Properties, LLC*, Case No. 29-CA-077359, the National Labor Relations Board (the "Board") addressed the proper application of the Board's successorship doctrine in circumstances where a new employer is required to retain its predecessor's employees for a specific period of time, pursuant to a state or local worker retention statute.

Importantly, this case also calls into question whether there is a distinction under the Act between a decision to purchase a business and a decision to compose a work force when a local worker retention statute is applicable.

