

# 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.

