



## NLRB Continues To Overrule Obama-Era Decisions

In Valley Health System, LLC dba Desert Springs Hospital and Medical Center (January 30, 2020), the employer operated 3 hospitals in Las Vegas, and SEIU Local 1107 represented a unit of employees at each hospital. For several months after CBA expiration, the employer continued to deduct and remit union dues to the union while negotiations for a new CBA continued.

However, in September 2016, the employer unilaterally ceased dues deductions, and informed the union that it would resume dues deductions only upon receipt of a valid dues deduction authorization signed by each bargaining unit employee. Six months later, with no CBA reached, the employer notified the union that it withdrew recognition of the union as representative of the employees at all 3 hospitals. The union filed ULP charges, and an NLRB hearing ensued.

First, the NLRB overruled its decision in Lincoln Lutheran of Racine (August 27, 2015), in which it had ruled that employers are required to continue to honor dues deduction authorizations after CBA expiration. Based on this ruling, the NLRB concluded that Valley Health System lawfully stopped dues deductions after the parties' CBA expired.

Second, the NLRB ruled that Valley Health System unlawfully withdrew recognition of the union as representative because although the withdrawal was based, in part, on signed statements of disaffection with the union, it was also based on "unauthenticated email submissions," for which the employer could not show the "email submitters" actually supported decertifying the union as representative. For this reason, the NLRB concluded that the employer failed to establish "actual loss of majority support" for the union, and that the employer therefore unlawfully withdrew recognition of the union as representative.

If you have any questions, please contact a member of our Labor and Employment Law Practice Group.



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