



Pennsylvania Conference of Teamsters

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LEGISLATIVE ACTION ALERT



OFFICE OF CONGRESSIONAL AND PUBLIC AFFAIRS

FOR IMMEDIATE RELEASE 202-273-1991

The Board held that an employer's statutory obligation to check off union dues ends upon expiration of the collective-bargaining agreement containing the checkoff provision.

In [*Valley Hospital Medical Center, Inc. d/b/a Valley Hospital Medical Center*](#), 368 NLRB No. 139 (2019), issued today, the National Labor Relations Board overruled 2015 changes governing dues checkoff obligations when a collective bargaining agreement ends, restoring precedent that had been in place since 1962. The Board held that an employer's statutory obligation to check off union dues ends upon expiration of the collective-bargaining agreement containing the checkoff provision.

The majority found that dues checkoff provisions belong in the limited category of mandatory-bargaining subjects that are exclusively created by the contract and are enforceable through Section 8(a)(5) of the National Labor Relations Act only for the duration of the contractual obligation created by the parties. In the majority's view, there is no independent statutory obligation to check off and remit employees' union dues after the expiration of the collective-bargaining

agreement even where the contract does not contain a union-security provision.

Today's decision overturns *Lincoln Lutheran of Racine*, 362 NLRB 1655 (2015), and returns Board precedent to the rule established under *Bethlehem Steel*, 136 NLRB 1500 (1962).

Chairman John F. Ring was joined by Members Marvin Kaplan and William Emanuel in the majority opinion. Member Lauren McFerran dissented.

Established in 1935, the National Labor Relations Board is an independent federal agency that protects employees, employers, and unions from unfair labor practices and protects the right of private sector employees to join together, with or without a union, to improve wages, benefits and working conditions. The NLRB conducts hundreds of workplace elections and investigates thousands of unfair labor practice charges each year.