

# NLRB CONSIDERS COMBINING EMPLOYEES, CONTRACT LABOR IN BARGAINING UNITS

The National Labor Relations Board (NLRB), via today's announcement, is inviting interested parties to submit briefs on whether it should permit bargaining units comprised of both regular employees and temporary workers provided by a staffing agency. For the last decade the NLRB has consistently held that these two groups of employees should not be included together for purposes of collective bargaining.

Any private sector employer utilizing contract labor or staffing agencies to supplement its regular workforce faces the prospect of being held jointly liable with the staffing agency for union campaigns, unfair labor practices and union negotiations.

Interested parties have until August 5, 2015 to file briefs. A decision from the NLRB will follow sometime after that date. The NLRB's action in requesting briefs is a signal of its desire and intent to change the law to permit the inclusion of "jointly employed" employees in the same bargaining unit. Employers should analyze their employee groups, staffing arrangements and contracts with staffing agencies to prepare for this change.

## PEOPLE

Robert A. Kaiser

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Litigation

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