

AHERN ADVISORY ALERT!

Specialty Healthcare

I received an alert from my good friend, Jim Hill, Executive Chairman of The Benesch law firm. Benesch has a special transportation division and I have worked with Benesch for many years. This alert concerns me, and it should concern you.

If this "bill" were to pass it would make it much easier for unions to organize a workplace; particularly a trucking company .

A case pending before the National Labor Relations Board has the potential to have a profound impact on unionization in the transportation industry. In Specialty Healthcare and Rehabilitation Center, 356 NLRB No. 56, the Board is expected to change the Board's 50-year bargaining standards to permit unions to organize units of employees who perform the same job. This would be a far narrower bargaining unit standard than in the past.

In practical terms such a ruling could:

- Make it much easier for unions to organize a workplace. Currently, a union must, in most cases, organize all of the employees in the workplace who share a community of interest—regardless of their job classifications. The new standard would permit a union to cherry-pick only those employees it believes support the union-thus making it considerably easier to organize a workplace.
- Increase the probability that a workplace will have multiple bargaining units representing different classifications of employees.
- Increase the probability that a company's employees will be represented by, and the company must bargain with multiple unions.
- Increase the probability that an employer would have to manage separate work schedules, grievance procedures, wage schedules and benefit packages for the various bargaining units in a given workplace.
- Reduce management's flexibility in matters such as hiring, work assignments, transfers, promotions, layoffs and overtime.
- Increase the man-hours a company spends on personnel matters such as discipline, grievances, arbitrations and bargaining.
- Reduce productivity and increase costs.

Amicus briefs are due March 8. The Board will likely issue a decision within six months thereafter. Specialty Healthcare has flown under the radar screen because many employers believed that a Board ruling would apply only to non-acute healthcare facilities. But a barely-noticed clause in the Board's Notice of Invitation to File Amicus Briefs shows that the ruling would apply to all industries, including transportation.

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Should you have any questions related to this matter, please contact any of the following members of the Labor & Employment Practice Group of Benesch, Friedlander:

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I would encourage all of you to research this, because it could directly impact our industry.

QUOTE OF THE WEEK: **“Problem solving isn’t a talent that some people have and others don’t. It’s habit.”** (Ken Watanabe)