

NLRB Reverses 50-Year Policy, Requires Employers To Deduct Union Dues From Employees' Paychecks Even After Labor Contracts Expire

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In *Lincoln Lutheran of Race & SEIU*, the National Labor Relations Board (NLRB) held that an employer's obligation to "check off" union dues (*i.e.*, deduct union dues from employees' paychecks for the benefit of the union) continues after expiration of a collective bargaining agreement that establishes such an arrangement. In doing so, the NLRB reversed its 50-plus year policy, which it first established in *Bethlehem Steel* in 1962, that an employer's dues check-off obligation ceases when the contract expires. The NLRB reiterated that when an agreement expires, an employer must continue to honor contractually established terms and conditions of employment that are mandatory subjects of bargaining, including wages, hours and others terms and conditions of employment, until the parties either negotiate a new agreement or bargain to a lawful impasse. The NLRB also held that it will apply the new policy prospectively; therefore, employers who stopped union check offs after contracts expired should be able to avoid unfair labor practice charges by promptly deducting union dues from employees' paychecks on a going forward basis.

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