

LEGAL STUFF

Basics on Bargaining Units

Under the National Labor Relations Act you have the right to join with your co-workers to form a union. But which co-workers? Here are the basics about bargaining units and what standards the National Labor Relations Board follows. Many concepts are similar under other private- or public-sector labor law.



COMMUNITY OF INTEREST

What other groups of workers do you have the most in common with? To decide the appropriate bargaining unit, the NLRB will want to know:

- Do people have the same kinds of job duties, wages, hours and working conditions?
- Do your co-workers get a paycheck from the same company as you?
- Do you work at the same location?
- Do you all share the same managers and supervisors?
- Does the structure of the company treat everybody the same?

My Co-worker Is My Boss's Employee's Subcontractor's Consultant...

Traditional lines of management and work are getting convoluted as employers try to keep labor costs and legal responsibility to a minimum. More research and legal expertise will be needed.

MULTIPLE WORKSITES

Single or multiple worksites might fly with the NLRB.

Consider this:

- How far apart are the sites?
- Are workers transferred between the worksites?
- How similar are working conditions, job duties and management among the sites?

EXCLUDED: SUPERVISORS AND MANAGERS

Under the NLRB, some employees are not eligible to be part of the bargaining unit because of their roles. You will have to do your research about employees.

- Do any employees have the authority to hire, fire or discipline others?
- Can any employees effectively recommend to someone else to hire, fire or discipline others?
- Are there employees who have access to confidential employee files and/or salary information?

As Clear As Mud

Sometimes the answer is clear, but modern complex lines of management and supervision will muddy the water. More research and legal expertise will be needed.