

NLRB Defends Mini-Bargaining Units; Says That Is Nothing New

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The NLRB caused quite a stir when it issued *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 N.L.R.B. No. 83 in September, 2011. In that case, the Board departed from precedent and raised the governing standard from "community of interest" to "overwhelming community of interest" when determining what constitutes an appropriate bargaining unit in a nonacute healthcare facility. The decision was controversial as it set the stage for mini-bargaining units, and based upon its stance on appeal in this matter, the Board is sticking to its guns.

In its brief, the NLRB defends the "overwhelming community of interest" standard by claiming that it is nothing new, but is simply a clarification of the long-standing test. Additionally, the Board defends its discretion in determining whether a unit is appropriate.



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