



Labor Board: Union's Attempted Roadblock To Member Resignation Unlawful

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Unions, like employers, have various [obligations to their members](#) under the National Labor Relations Act (NLRA). While not litigated as frequently as alleged company violations, the National Labor Relations Board (NLRB) does prosecute labor law violations by unions when they are believed to have occurred. A recently released [advice memo](#) provides a recent example of such an instance.

At issue in the case was an employee who was working on a construction project where the Laborers union was representing certain workers. The employee joined the union and signed a dues authorization card to permit the union to deduct dues from his paycheck for successive one-year periods with a limited revocation window each year. The authorization further prevented the worker from resigning his union membership as long as his dues authorization remained in effect. The employee worked in Virginia, which is a right-to-work state. In right-to-work states, it is unlawful to require an employee to be or remain a union member as a condition of employment.

The NLRB determined the dues checkoff form was unlawful based on the language that prevented resignation of union membership. The board specifically found that the language placed an undue burden on an employee's right to voluntarily be a union member or not, noting the agency's longstanding prohibition against unions placing any "meaningful restrictions"

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on an employee's right to resign. The agreement at issue here limited that option to only one short revocation window each year. In other words, it was too restrictive.

This serves as another reminder that [union conduct is regulated](#) just like employer conduct under the NLRA and held to strict standards.