

U.S. Chamber Of Commerce Report Confirms NLRB's Infamous Specialty Healthcare Decision Has Given Rise To More Micro-Units

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Five years ago, the National Labor Relations Board (NLRB) issued its now infamous decision in *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB 934, 940 (2011) that paved the way for a slew of “micro-units” being certified by the NLRB (despite the NLRB’s assurances back in 2011 that its holding in *Specialty Healthcare* would only apply to certain healthcare bargaining units). For those unfamiliar with micro-units, when filing an election petition with the NLRB, a union must identify a legally appropriate group of employees (i.e., the “bargaining unit”) it seeks to organize. Historically, all-inclusive “wall-to-wall units” (e.g., production and maintenance employee units) were favored by the NLRB. In contrast, “micro-units” are fractional, designed to decrease the size of the unit and make organizing easier; they were often disapproved of by the NLRB. *Specialty Healthcare* altered the NLRB’s legal standard regarding bargaining units and has made it easier for unions to seek micro-units. On Oct. 31, the U.S. Chamber of Commerce published a study that revealed micro-units have indeed been on the rise since *Specialty Healthcare* was decided – confirming employers’ fears. A [press release](#) and the report itself criticizes the NLRB for misleading the public with respect to micro-units in light of the NLRB’s publicly issued statements at the time the case was decided indicating the *Specialty Healthcare* rule would only apply in limited circumstances.

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