

NLRB Continues To Impose Expansive Penalties On Employers

April 29, 2014 | [National Labor Relations Board, Labor And Employment](#)



**David J.
Pryzbylski**
Partner

Continuing its trend of issuing “non-traditional” Board remedies against employers who have been found to have violated the NLRA, the Board recently ordered an employer to reimburse a union for six months’ worth of “negotiating expenses”, which included salaries, travel expenses and per diems. The case involved a “first contract” so the NLRB further extended the certification year (which precludes the filing of any decertification petition by employees) by 12 months. At issue in the case was an employer’s refusal to respond to any union proposals that had been presented until it received a “full set” of proposals from the union. The employer continually took this position over the course of multiple bargaining sessions, and it also declined to respond to several requests for information related to recent employee terminations as well as requests for future bargaining dates. The Board held that the conduct of the employer violated the NLRA’s “good faith” bargaining obligation and was so flagrant that it “infected the core of a bargaining process.” Accordingly, the Board felt that the extraordinary remedies were warranted. This case serves as an important reminder that the current NLRB will not merely resort to “notice postings” in cases of bargaining misconduct. Employers handling first or successor contract negotiations should ensure that they keep abreast of the most current decisions from the board related to bargaining obligations so that they do not find themselves in Board proceedings and possibly subject to the expansive penalties being issued by the NLRB. A copy of the decision can be found [here](#).

RELATED PRACTICE AREAS

Labor and Employment
Labor Relations
National Labor Relations Board (NLRB)

RELATED TOPICS

Labor Unions