

ISSUE BRIEF

National Labor Relations Board Actions Affect Post-Acute & Long Term Care Facilities



The American Health Care Association and National Center for Assisted Living (AHCA/NCAL) strongly support the exercise of employee rights while recognizing the needs of the public, our patients and residents, as well as our profession. We also believe it is essential to protect certain employee rights and protections, which is why some recent actions of the National Labor Relations Board (NLRB) have given us pause.

On December 22, 2010, the NLRB released a notice requesting *amicus curiae* or “friend of the court” briefs in the case called *Specialty Healthcare*, 356 NLRB No. 56. Through this request, the NLRB is gathering information while contemplating fundamental changes to the existing procedure by which the composition of union bargaining units in long term care facilities is determined, resulting in a proliferation of units within single facilities.

AHCA/NCAL believes that the current NLRB methodology for determining the composition of bargaining units in long term care facilities is not only sound, but serves to protect employees’ ability to exercise their rights. The alterations suggested by the NLRB would fundamentally change the way post-acute and long term care facilities provide care to patients and residents, which is potentially harmful not only to the millions that we care for daily, but to our employees as well. Therefore, AHCA/NCAL requests that the NLRB does not make changes to the method by which union bargaining units are determined in long term care facilities.

The NLRB notice of proposed rulemaking also would require employers to notify employees of their rights under the *National Labor Relations Act (NLRA)*. This action by NLRB seems to be more aggressive than usual federal agency activity. Such assertive efforts seem to be overreaching and unnecessary when unionization, with regard to the health care sector, is alive, well, and growing.

AHCA/NCAL’s member facilities endeavor to provide a positive working environment for all employees, including competitive wages and benefits, in keeping with the person-centered nature of this care environment. Since our employees are the heart of post-acute and long term care and services, AHCA/NCAL believes that maintaining current *NLRA* practices will continue to ensure the rights of employees, unions, and employers remain protected.

Ask Congress...

- To ensure that certain employee rights and protections remain in place.

Key Facts

- Approximately 3.2 million Americans received skilled nursing & rehabilitative care in 2008 in one of nearly 16,000 skilled nursing facilities (SNFs) nationwide.
- Approximately 1 million Americans live in the approximately 38,000 assisted living communities across the country.
- Long term care directly employs more than 3 million people & contributes to another 2.3 million jobs nationwide.
- A major economic driver, long term care represents 1.3 % of the U.S. GDP.

Contact

- AHCA Legislative Staff
202.898.6338