ISSUE BRIEF

American Health Care Association

National Center for Assisted Living

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

The American Health Care Association and the 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. In addition, we believe it is essential that certain employee rights and protections are protected. Therefore, some of the recent actions of the National Labor Relations Board (NLRB) have given us pause.

On December 22, 2010, the NLRB released a notice in which it requested *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 it contemplates 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 also protects the ability of employees to exercise their rights. Further, the alterations suggested by the NLRB would fundamentally change the way post-acute and long term care facilities provide care to our patients and residents, which is potentially harmful not only to the millions that we care for daily, but also to our employees. 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.

Additionally, the NLRB recently released a notice of proposed rulemaking that 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 unecessary 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, since post-acute and long term care is a people-centered enterprise with our employees at the core. Therefore, maintaining current NLRA practices ensures the rights of employees, unions, and employers all remain protected.

Ask Congress…

Ensure that certain employee rights and protections remain in place.

Key Facts

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

Contact

- Francesca Fierro O'Reilly
  202.898.2852
  foreilly@ahca.org