

US Labor Law Fact

Q: Will employees lose their current pay and benefits guaranteed in their contract if they vote and switch unions?

A: No. The National Labor Relations Board decided in 2001 that during negotiations with the new union employees still get the wage increases in the existing contract even if they vote to switch unions.

**Peter J. Hurtgen,
Member and Chair of the National Labor
Relations Board,
1997 -2002**

In *More Truck Lines*, 336 NLRB 772 (2001), enforced by the DC Circuit Court of Appeals, 324 F.3d 735 (2003), a panel of the then chairman of the NLRB, Peter Hurtgen, and Members John Tuesdale and Wilma Liebman, reasoned that:



“It is settled law that when employees are represented by a labor organization their employer may not make unilateral changes in their terms and conditions of employment, such as their wages. . . . This duty to maintain the status quo imposes an obligation upon an employer not only to maintain what he has given to employees but also to ‘implement benefits which have become conditions of employment by virtue of prior commitments [in a contract]’ . . . Thus, if a challenging union is certified, then the contract between an employer and the incumbent union becomes void, but, as usual, the employer must abide by the then existing terms and conditions of employment until such time as it reaches an agreement with the new union or a lawful impasse occurs., citing *NLRB v. Katz*, 369 U.S. 736 (1962)”