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JON C. MCNUTT

LOS ANGELES:

213.337.6577

JON.MCNUTT@

HUSCHBLACKWELL.COM

MEGANN K. McMANUS

DALLAS:

214.999.6100

MEGANN.MCMANUS@

HUSCHBLACKWELL.COM

MARY-ANN P. CZAK

WASHINGTON:

202.378.2300

MARYANN.CZAK@

HUSCHBLACKWELL.COM

# Husch Blackwell Secures Win for ArtCenter College of Design in First NLRB ALJ Decision Since Federal Government Shutdown

A Husch Blackwell litigation team obtained the complete dismissal of a complaint brought by the general counsel for the National Labor Relations Board alleging that ArtCenter College of Design violated the National Labor Relations Act by failing to provide the California Federation of Teachers, AFL-CIO with adequate notice and a meaningful opportunity to bargain over the College's academic realignment and the creation of non-unit, supervisory positions.

The college gave the union, representing nearly 800 teaching faculty, six weeks' advance notice of the realignment plan in June 2023, which included the creation of new associate and assistant chair positions that would assume duties previously performed by faculty directors. The union requested a delay in the plan's implementation to allow for overall bargaining for the first collective bargaining agreement, but ArtCenter declined, offering to bargain over the effects on unit employees.

The union filed a charge in September 2023 alleging ArtCenter failed to engage in decisional bargaining, which was later amended to include the failure to bargain over the effects of the decision.

In the first decision issued by an NLRB administrative law judge (ALJ) since the federal government's 43-day shutdown, ALJ Andrew Gollin concluded that the NLRB's general counsel failed to establish that the ArtCenter committed the alleged violations. He found that ArtCenter provided the union with timely notice of the realignment plan and offered to bargain in good faith over the effects. In his decision, Gollin wrote, "[a]lthough unit employees were offered

and had accepted these new chair positions beginning in late July and early August, there [was] no indication the Union was foreclosed from further bargaining and reaching a possible resolution over its stated concerns.” The ALJ found that the union stopped pursuing effects of bargaining after the parties met in early October 2023 without any resolution.

The Husch Blackwell team was led by partner Jon McNutt and attorneys Megann McManus and Mary-Ann Czak.