NEWS RELEASES

PUBLISHED: AUGUST 6, 2026

Husch Blackwell Secures NLRB Win for ArtCenter College of Design, Affirming Dismissal of General Counsel's Complaint

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A Husch Blackwell litigation team secured a win for ArtCenter College of Design as the National Labor Relations Board agreed with the Administrative Law Judge that the General Counsel failed to establish ArtCenter violated the National Labor Relations Act when it implemented an academic realignment plan eliminating certain stipends and duties from the bargaining unit after notice and opportunity to bargain with the union.

The General Counsel alleged that ArtCenter violated the 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.

ArtCenter 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. The union demanded that the College delay in the plan's implementation to allow for overall bargaining for the first collective bargaining agreement, but ArtCenter declined, offering instead to bargain over the effects on unit faculty members.

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

In his November 2025 decision, ALJ Gollin concluded that the General Counsel failed to establish that ArtCenter committed the alleged violations, finding that ArtCenter provided the union with timely notice of the realignment plan and offered to bargain in good faith over the effects. In affirming that decision, the Board emphasized that the record showed the new chair positions and titles did not become effective until August 20, 2023, at the earliest, that no unit employee's position as faculty director was eliminated before September 2023, and that certain effects of the realignment did not impact unit employees until after the parties' final negotiating session on October 2, 2023. The Board, too, found no indication that the union was foreclosed from further bargaining and reaching a possible resolution over its stated concerns, and concluded the union was not privileged to discontinue effects bargaining after the parties' meetings.

The Board's decision, issued July 30, 2026, adopted the ALJ's decision and order in full, which was the first ALJ decision and order issued following the federal government's 43-day shutdown.

The Husch Blackwell team was led by senior counsel Megann McManus and partner Jon McNutt.