

NLRB Continues to Apply and Expand Specialty Healthcare

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This week, the **NLRB** issued a long-awaited decision in **Macy's, Inc.**, 361 NLRB No. 4 (July 22, 2014). The Board had invited and considered **amicus briefs** from interested parties. In the case, the Board considered the application of **Specialty Healthcare** in a retail setting.

The **union** filed a petition with the NLRB to represent only those employees working in the cosmetics and fragrance departments, which are located on two different floors of **Macy's Saugus, MA** store, excluding all other salespeople. All salespeople at the store are subject to the same policies, same benefits plans, same staffing patterns, same employee entrances, same time clocks, same break rooms, and same dispute resolution program. They attend the same daily meetings, receive the same performance evaluations, and sales employees have transferred in and out of the cosmetics and fragrance departments to other departments. Despite this, the Board found the unit appropriate because, in large part, the employer organized these employees along departmental lines.

The decision demonstrates that the current Board sees very few scenarios in which a union's petition will be found inappropriate even where, as discussed in the case's dissent, differences exist between groups of employees that the union has petitioned for. If the Board continues to apply Specialty Healthcare in the same manner, micro units are here to stay.

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