

# High Court Case Will Shake Up 'Top-Down' Union Organizing

News

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Tampa Partner Steve Bernstein was quoted in the June 25 *Employment Law360* article “High Court Case Will Shake Up ‘Top-Down’ Union Organizing.” The article reported that the U.S. Supreme Court has agreed to hear a case that brings into question the legality of neutrality agreements during union organizing campaigns. Steve noted that an endorsement of neutrality agreements would embolden organized labor. “Not only would that validate the practice, but [it would] give unions new momentum to impose such agreements on employers — and that’s something that would concern virtually any employer.” He added that aside from giving ammunition to unions that already include neutrality agreements in their organizing strategies, a favorable decision could encourage others that traditionally haven’t used them to consider the prospect seriously. Steve also said that the Supreme Court’s decision to take the case has cast a cloud of uncertainty over employer neutrality agreements. “The reality is that until now, the high court has never gotten anywhere close to a decision that essentially resolved the viability of neutrality agreements. For most practitioners, it has just been understood that those agreements are legal, but that assumption has essentially been thrown out the door as of the court’s decision to grant cert this week. Most likely, for the next year or so while we await a decision, the concept of neutrality in and of itself is very much in flux.”

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