LABOR LAW & UNION ORGANIZING IN ABA

Key information and critical updates

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ALG
American Labor Group

ABA agencies face unique challenges

STAFFING & RETENTION

Turnover, hiring pressure, retention, and visible career progression



COMPENSATION

Pay & benefit expectations and perceived fairness



SCHEDULING

Cancellations, variable hours, workload, staffing ratios, etc.



LEADERSHIP

Communication, trust, and supervisor access



GENERATIONAL & CULTURAL DIVERSITY

Belonging, flexibility, and support

LABOR ORGANIZING

Gaps between workplace experience and leadership response

What is the NLRB?

The National Labor Relations Board (NLRB) is an independent agency of the United States government.

01

Enforces the National Labor Relations Act (NLRA).

02

Conducts elections for labor union representation.

03

Investigates and remedies unfair labor practice charges.

The NLRB administers and enforces the National Labor Relations Act (NLRA)

The NLRA: rights and responsibilities

EMPLOYEE RIGHTS

- Support or oppose a union
- Engage in “protected concerted” activity
- Organize for better wages, benefits and working conditions

EMPLOYER DUTIES

- Avoid unlawful retaliation or coercion
- Avoid surveillance and discrimination
- Preserve lawful, consistent decision-making

Supervisors, as defined by the National Labor Relations Act (NLRA), are generally excluded from the Act’s protections. What about *leads*?

How the union organizing process works

01 Authorization cards

Paid union organizers collect authorization cards from at least 30% of employees.

02 NLRB petition & election

The union petitions the NLRB. The NLRB reviews the cards and schedules an election.

03 Secret-ballot election

The NLRB holds a secret-ballot election and counts the votes.

04 Recognition & bargaining

If the majority of employees vote YES to the union, the employer must recognize the union and start the collective bargaining process.

NLRB *Cemex* decision: Since August 2023, there is a quicker alternative for unions to gain recognition and a seat at the bargaining table.

Collective bargaining

IF THE UNION WINS, IT GAINS THE RIGHT TO:

- Collect dues from employees*
- Charge initiation fees, fines, and assessments
- Negotiate with the employer towards a collective bargaining agreement

KEY FACTS

- First contract negotiations average 465+ days (there are no time limits on the length of time)
- No guarantees — employees could end up with more, less, or the same
- Neither party is required to agree to any proposal made by the other party
- Economic strikes can occur — employees may receive no pay or benefits during a strike (depending on your state)

KEY PROVISIONS TO NEGOTIATE

- *Mandatory vs. permissive* subjects of bargaining

Union organizing has reached the ABA industry

Current unionized ABA employers:

Many petitions filed over the last two years, resulting in 7 unionized ABA facilities in the USA

Petitions, elections, bargaining, and first contracts are distinct stages

What about the number of contracts actually reached at ABA facilities?

2026 Petition Statistics:

Q1 & Q2 – 211 petitions filed in human services; 161 in healthcare

83-86% union win rate

www.abaworkersunion.org

Other “healthcare”/ABA unions:

- Teamsters
- SEIU
- UAW
- IAM

Recent Decertification:

Techs voted to unionize in May 2025 by vote count of 33-1 (51 eligible voters)

Drivers, Chauffeurs & Helpers Local 639, affiliated with the International Brotherhood of Teamsters

Unfair labor practice charges and first strike in ABA industry July 2026

Techs file for decertification on September 30, 2026

October 1 -> union files more ULP charges

What changes with a union?

WHAT UNIONIZATION CAN CHANGE

A union may bargain over wages, hours, and other terms and conditions of employment like staffing ratios

However, there are negatives from both the employer and employee perspectives

WHAT REPRESENTATION DOES/ DOES NOT GUARANTEE

No particular raise, benefit, contract term, or timeline is guaranteed for employees

Likely guarantee that union will ask employees to pay union dues, fees, assessments, etc.

Employees often get confused on what unions can vs. cannot actually do for them

Signs of union activity & the 50/50 rule

Complaint Patterns

- More frequent or changing complaints
- Group complaints with a visible leader
- Unfamiliar employee groupings

Behavioral Shifts

- More questions about pay, benefits, or discipline
- Extended breaks or lingering
- Unexplained visits to work areas
- Staff disengage from supervisors

External Indicators

- Outsiders near shift changes
- Confrontational team questions
- Anti-management rumors
- Union materials posted
- Possible SALTs among applicants

Overt Signals

- Union terms such as ULPs, grievances, or seniority
- Discussion of unionization, cards, or leaflets
- Reports of union representatives contacting employees

The bottom line

1. Understand how organizing is emerging in ABA
2. Know employee rights and employer boundaries
3. Prepare your supervisors to include good employee relations practices
4. Recognize early organizing signs and act quickly
5. Address real workplace concerns consistently and lawfully

Questions & Discussion

We welcome your questions and discussion, please feel free to reach out to us!

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