

Raytheon No More: NLRB Significantly Cuts Down Employers' Power to Act Unilaterally

Practical Guidance on **September 25, 2023**

Proskauer's [Joshua Fox](#), [Michael Lebowich](#) and [David Gobel](#) discuss how the National Labor Relations Board issued a pair of decisions overruling different aspects of the 2017 decision *Raytheon Network Centric Systems*, 365 NLRB No. 161 (2017).

In *Raytheon*, the Board held that prior to the execution of an initial contract of a newly-represented workforce or during the contractual hiatus period after a contract had expired, employers could make discretionary unilateral changes, provided that such changes were consistent with past practice. The Board also found that an employer can unilaterally act after expiration of a collective bargaining agreement if the employer relies on a past practice that was developed under a management-rights clause in the agreement. [Wendt Corp.](#), 372 NLRB 135 (2023) and [Tecnocap LLC](#), 372 NLRB 136 (2023), overruled both aspects of the *Raytheon* decision.

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