

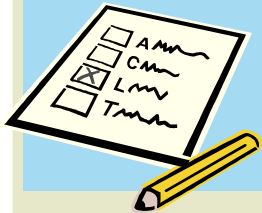


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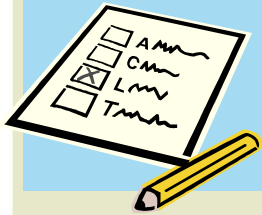
***The Employee Free Choice Act:
Everything You Need to Know***

Background on Employee Free Choice Act

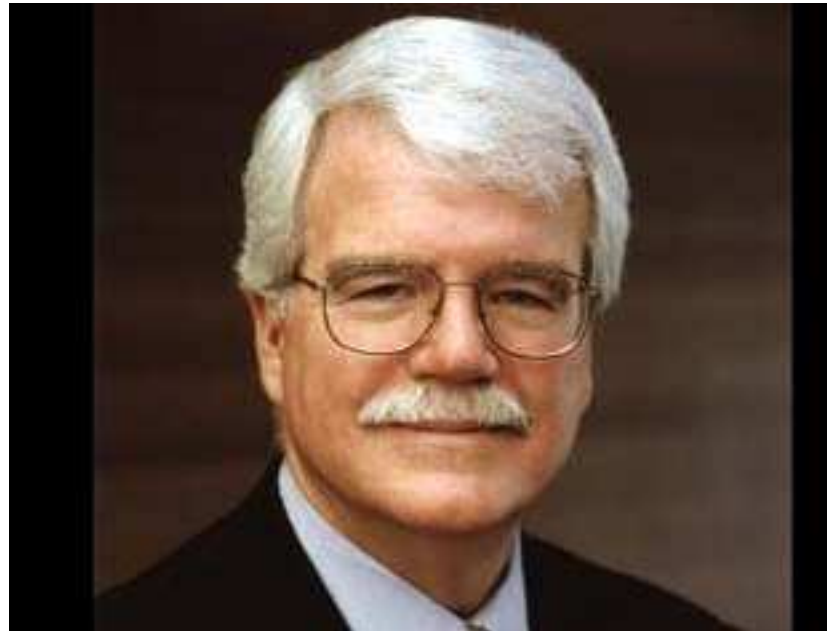


- In the 110th Congress, the House passed EFCA (H.R. 800) by a vote of 241-185 in March 2007
- The Senate failed to get the 60 votes necessary to consider EFCA so the bill died on June 26, 2007 (51-48 vote)
- The 111th Congress includes 56 Democrats, 41 Republicans, and 2 Independents (who generally vote Democratic on workplace issues). The ratio in the 110th Congress was 49 – 49 – 2.
- The 111th Congress bill sponsored by Rep. George Miller (D-CA) and Sen. Edward Kennedy (D-MA)

Employee Free Choice Act



**H.R. 1409 - Introduced by Rep. George Miller (D-CA)
(223 Cosponsors)**



Word on the Hill is that the House leadership has made it clear it wants the Senate to act on the bill first.

Employee Free Choice Act

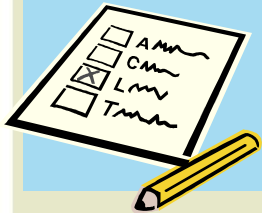


**S. 560 - Introduced by Sen. Edward Kennedy (D-MA)
(39 Cosponsors)**



60 Votes Needed To Invoke Cloture in the Senate

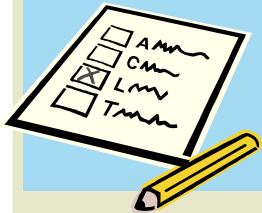
Employee Free Choice Act at a Glance



- Organized labor's number one legislative priority
- Amends the National Labor Relations Act to change how employees choose to join a union
- Introduced in both the House and Senate on March 10, 2009

Employee Free Choice Act provisions

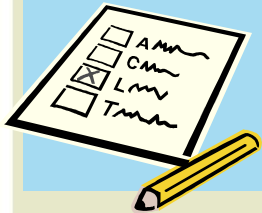
What would EFCA mean for HR professionals?



- **Card checks** – Requires NLRB to certify a union that has obtained signed authorization cards (card checks) from a majority of the relevant collective bargaining unit
- **Bargaining** – Once a union is designated as the representative, employer and union are allowed 90 days of collective bargaining
- **Mediation** – If employer and union are unable to reach a contract within 90 days of negotiations, EFCA refers the negotiations to the Federal Mediation and Conciliation Service for 30 days of mediation
- **Binding arbitration** – Arbitrator would write a first contract that dictates all workplace terms and conditions

Employee Free Choice Act provisions

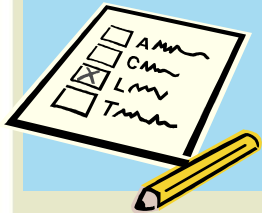
What would EFCA mean for HR professionals?



- **Damages** - Requires treble damages for employers for terminating or retaliating against an employee for union organizing efforts.

Fines employers up to \$20,000 for the following new violations of National Labor Relations Act:

- threatening to close a facility or move business operations out of the country;
- modifying employee's pay, assignments or work schedules because of activity during a union drive;
- prohibiting employees from wearing union campaign buttons or other paraphernalia.



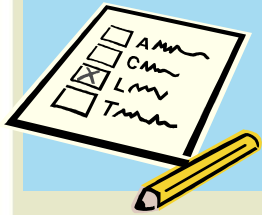
SHRM Talking Points on EFCA:

- SHRM believes Federal government-supervised private ballot elections are generally the best way for employees to choose to join a union.
- SHRM believes mandatory binding arbitration would impose unwanted employment conditions on both employees and employers.
- Under EFCA, employees would simultaneously lose their rights to vote on union representation and to approve workplace contracts.

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HR Advocacy Day – March 11, 2009



RI SHRM members pictured with Sen. Jack Reed (D-RI).

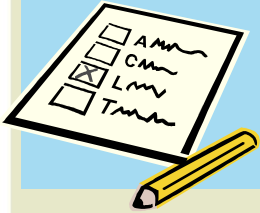


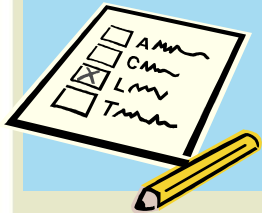
They were joined on Capitol Hill by more than 250 HR professionals in urging Congress to oppose the EFCA.

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Everything You Need To Know About EFCA



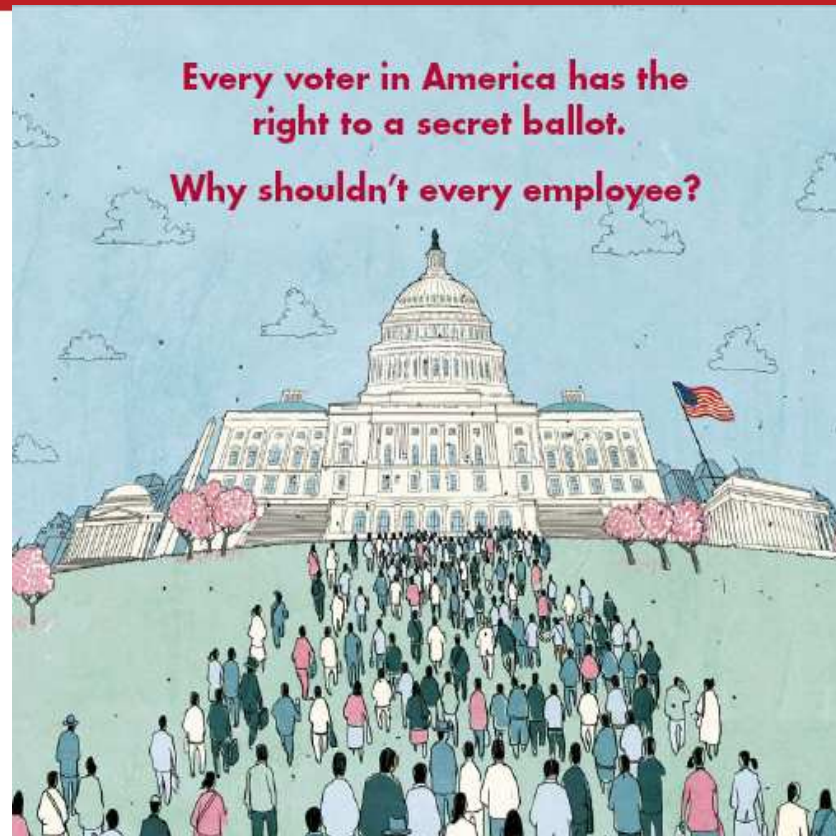
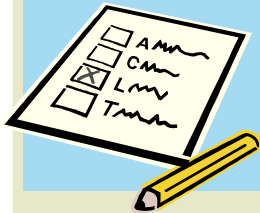


- **EFCA Fact Sheet**
- **EFCA PowerPoint presentation**
- **‘How to Lobby’ presentation**
- **Link to HRVoice**
- **Text of both House and Senate versions of EFCA, with accompanying side-by-side analysis**
- **Sample Op-Ed**
- **Sample Letter to the Editor**
- **Point – Counterpoint on EFCA**
- **Copy of SHRM EFCA advertisement**
- **EFCA Public Policy Statement**

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SHRM's EFCA Advertisement



Every voter in America has the
right to a secret ballot.
Why shouldn't every employee?

The Society for Human Resource Management (SHRM) and its 250,000 members support the fundamental right of every employee to a secret ballot in deciding whether or not to join a union. This week, SHRM members from across the country are urging Congress to uphold this basic right and to oppose the Employee Free Choice Act.

**SHRM is HR ... and HR is meeting the
challenges of a changing world.**

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www.shrm.org/SHRMisHR

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