



Federal Legislative Action Alert!

The Employee Free Choice Act was introduced in Congress on March 10, 2009. The bill (H.R. 1409/S. 560) was sponsored by Representative George Miller (D-CA), and Senator Edward Kennedy (D-MA).

The legislation would amend the National Labor Relations Act to allow unions to use the “card check” process – and bypass the secure, private election format – each time they attempt to organize workers.

Background

The National Labor Relations Act currently provides two opportunities for employees to decide whether or not to form or join a union:

1. **Private ballot election** - When a union receives a majority of votes through a secret ballot election administered by the National Labor Relations Board, the union is certified as the sole bargaining agent on behalf of the employees, or
2. **“Card check” recognition** - When a union receives at least 30 percent of signed authorization cards, the employer can request that a private ballot election be held. (When a union receives at least 50 percent of signed cards, the employer can either recognize the union immediately or request an election.)

Legislation

The EFCA would dramatically change federal labor law. The legislation would allow a union to bypass the election process after collecting authorization cards from a majority of employees. Thus, employers would lose the right to request that an election be held.

If enacted into law, EFCA would:

- Eliminate employees’ opportunity to vote in a federally-administered, private ballot election;

- Require binding arbitration within 120 days after a union is certified through a signed card collection process, if the employer and the union are unable to reach an agreement;
- Restrict an employer's communications to employees about the workplace issues involved in the union organizing drive; and
- Create new fines against employers for an expanded list of unfair labor practices

SHRM supports the basic rights of all employees to decide freely whether or not to join a union. However, we strongly believe that a federally-supervised, private ballot election is the best way for employees to make this decision.

In addition, SHRM believes the mandatory binding arbitration called for under EFCA could impose unwanted employment conditions on both employees and employers. So in sum, employees could simultaneously lose their rights to vote on union representation and to approve workplace contracts.

Action Needed

Already this year, SHRM members have sent more than 20,000 letters to Members of Congress expressing opposition to EFCA. You may still write your elected officials using SHRM's HR Voice program by clicking [HERE](#).