




Labor Relations Training Part II

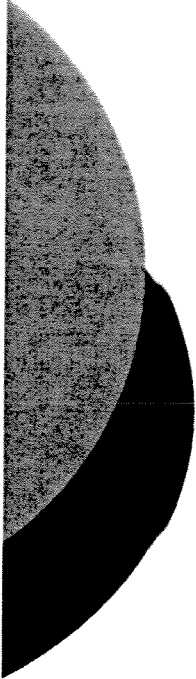
The Employee Free Choice Act

*When you can't beat 'em,
change the rules....*



EFCA — When you can't beat `em, change the rules....

- To stem its declining power, organized labor is pushing the Employee Free Choice Act (EFCA):
 - ✓ Introduced in the House (HR-800) by Rep. Miller and passed by vote of 241-185 on March 1, 2007
 - ✓ Introduced in the Senate (S-1041) by Senator Kennedy on March 29, 2007 but could not overcome filibuster.



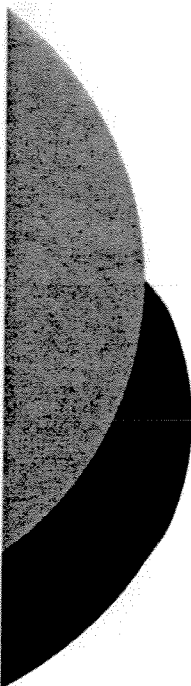
EFCA - When you can't beat `em, change the rules....

- What does EFCA provide?
 - ✓ Recognition without an election: Upon filing of a petition, if NLRB finds that majority of employees have signed "valid" authorizations, it shall certify the union as the employees' representative without an election.
 - ✓ Expedited Bargaining: Within 10 days of receiving a request to bargain over an initial contract, the parties must meet to begin negotiations.



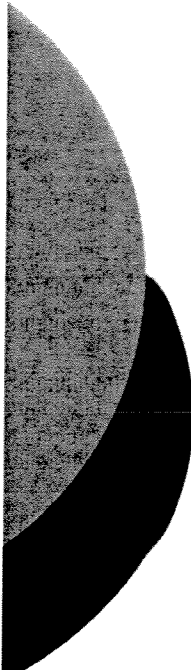
EFCA - When you can't beat `em, change the rules....

- Expedited mediation:
 - ✓ If no agreement after 90 days of bargaining, either party can request mediation by FMCS.
- Binding Arbitration:
 - ✓ If no agreement within 30 days of mediation request, FMCS must refer the matter to binding arbitration of a 2-year agreement.



EFCA - When you can't beat `em, change the rules....

- Why is EFCA a bad idea?
 - ✓ Employees often coerced into signing cards
 - ✓ How long will a signed card be valid?
 - ✓ No chance for employer to tell its side of the story
 - ✓ No secret ballot
 - ✓ Binding arbitration — the government gets to tell you what you pay, what benefits you provide, etc.



EFCA - When you can't beat `em, change the rules....

- Why is EFCA a bad idea?
 - ✓ Card checks -- not a true measure of employee sentiment
 - ✓ Forced mediation after 90 days -- not a reasonable time period for a first agreement
 - ✓ Increase in monetary fines for employers only
 - Treble back pay / civil penalties up to \$20,000 per employer violations