



Employee Free Choice Act Introduced In Congress

Employment Law Alert - March 10, 2009

The so-called "Employee Free Choice Act" was introduced in both the U.S. House of Representatives and the U.S. Senate on Tuesday, March 10, 2009. The bill was sponsored by Rep. George Miller (D-CA) and Sen. Tom Harkin (D-IA).

If passed, the EFCA will permit unions to organize a group of employees without there ever being a secret ballot election, or an opportunity for the employer to counter union tactics which might be misleading or coercive. A union could get certified by presenting to the National Labor Relations Board cards signed by a majority of the workers it wants to represent.

Once certified, the parties would begin bargaining within as early as 10 days. If no contract is reached within 120 days, then a panel of federal mediators would decide what contract the parties will have for two years. There will be no appeal of their decision, and the law does not specify what criteria they will use to decide what the contract will contain.

ACTION STEPS

What can you do? If you are opposed to this law, contact your congressional delegation and urge them to VOTE NO on cloture – that is, the closing of debate on the issue – and VOTE NO on the underlying bill if it comes up for a vote.

A real concern is that a senator will vote "yes" on cloture to shut off debate – an action which requires 60 votes in the Senate – and then vote "no" on the bill itself. Passage would be a simple majority. Why would a senator do that? To cover his/her tracks. A large majority of workers, including many union members, do not favor taking away secret ballot elections. By voting in favor of cutting off debate, but voting against the bill, a senator on the fence can tell his/her constituents he/she voted "no" on the bill while secretly putting it in a position to pass. In that case, the senator would have his/her cake, and eat it, too.

HOW TO CONTACT YOUR REPRESENTATIVE

OR SENATOR IN THE U.S. CONGRESS:

- **To Find Your Representative**
(202) 225-3121
<http://www.house.gov/>
- **To Find Your Senator**
(202) 224-3121
<http://www.senate.gov/>

LEARN MORE ABOUT THE EMPLOYEE FREE CHOICE ACT

For more information about the Employee Free Choice Act, including answers to frequently asked questions, please visit our website at www.mcafeetaft.com/efca. While there, you can also view a complimentary webcast entitled “The Employee ‘Forced’ Choice Act: A Two-Headed Monster that’s Bad for Business and Bad for Employees.” Originally broadcast on March 4, 2009, and sponsored by the State Chamber of Oklahoma, the Oklahoma Council of Chamber Executives, and the national Council of State Chambers, this one-hour event features labor lawyers, labor relations specialists and public relations professionals discussing how this proposed legislation will impact employers *and* employees.

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