

And it Begins (Again) - Employee Free Choice Act Introduced

Yesterday, the Employee Free Choice Act (H.R. 1409, S. 560) was introduced in both the House and Senate under the sponsorship of Representative Miller (D- Calif.) in the House, and Senator Harkin (D-Iowa) in the Senate. The 2009 version of the EFCA is identical to the version that passed the House, but stalled in the Senate, in 2007. The bill calls for:

- Card check certification of unions, without a secret ballot election, provided a majority of employees "in a unit appropriate for the purposes of collective bargaining," sign cards;
- Mandatory interest arbitration to establish the first collective bargaining agreement if no agreement is reached after 120 calendar days of bargaining; and
- Triple damages along with fines against employers who commit unfair labor practices during union organizing campaigns.

Interestingly, even though the Democrats have increased their majorities in both the House and the Senate, the 2009 version of the EFCA has fewer sponsors (Senate 40, House 223) than its 2007 counterpart. With a majority of representatives sponsoring the bill, it is expected that it will pass the House in short order. The Senate remains an open question. Senator Harkin indicated that he expects the Senate to take up the bill immediately after the Easter recess on April 20th, and has expressed a desire to have the bill voted on by summer.

To prepare your organization for an Employee Free Choice Act environment, it is essential that policy review, workforce analysis and supervisory training begin immediately. We have prepared a PowerPoint presentation explaining the EFCA and its impact on employers that is available upon request. Please send your request along with any questions you may have to Bill Flannery at 717-612-6022, or wflannery@postschell.com, Vince Candiello at 717-612-6024 or vcandiello@postschell.com, or Andrew Allison at 215-587-1161 or aallison@postschell.com.

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