

EMPLOYEE FREE CHOICE ACT

AKA – “Card Check”

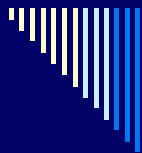
AKA – Employee “FORCED” Choice Act

AKA – Employee has NO CHOICE Act

AKA – “Half + 1 and You’re Done”

Presentation to Managers & Supervisors

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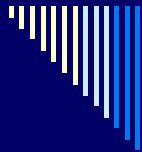


Employee Free Choice Act (EFCA)

□ WHAT IS EFCA?

- Why it is bad for Employees & Companies
- Fight EFCA from Becoming a Law

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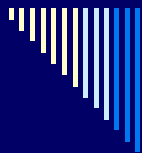


WHAT IS EFCA ?

The **Employee Free Choice Act** is **PROPOSED** legislation that interferes with the democratic process by taking away an employee's right to a secret ballot election to decide whether they want union representation.



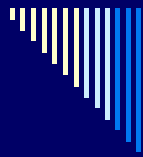
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What Is Employee Free Choice Act (EFCA)?

- EFCA was proposed on April 19, 2005 by Senator Edward Kennedy and co-sponsored by then Senator Barack Obama
- EFCA passed the House on March 1, 2007
- EFCA died in the Senate on June 26, 2007
- Bill re-introduced in the House & Senate on March 10, 2009
 - HR -1409
 - S - 560

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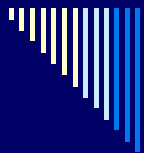
What is Employee Free Choice Act (EFCA)?

- Major labor law reform bill, supported by Unions, which is contrary to the basic democratic principles of:

- Secret Ballot Elections
- No Taxation (union dues) without representation (the right to vote on things that affect you)
- The right for two parties to negotiate a mutually agreeable contract



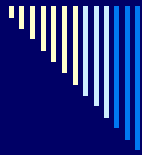
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What Is Employee Free Choice Act (EFCA)?

- **No-election Unionization**
 - If 50% +1 of employees sign union authorization cards, company must recognize the union
 - Elimination of secret ballot elections
- **Elimination of Mutual 'good faith' bargaining**
 - Imposes binding arbitration on companies
 - Forces employees to accept arbitrator's decision on contract with no employee vote

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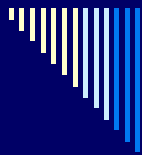


What Is Employee Free Choice Act (EFCA)?

- Increases employer penalties for Unfair Labor Practices (ULPs) with NO penalties to the unions
 - \$20,000 per ULP
 - Three times back pay

- Decertification of a union would still require secret ballot vote

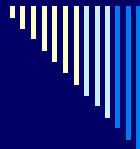
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What Is Employee Free Choice Act (EFCA)?

- Democratic pay-back to Union support
- Unions spent \$300 million dollars in the last election in support of EFCA
- Union Stimulus Plan
 - Union membership has declined to 7% of workforce
- Current Economic Condition (layoffs, wage freezes) – easy for unions to convince employees to join

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What Is EFCA?

A signature is NOT just showing interest in forming a union – it's a VOTE!

- Union representatives present a “card” to employees asking them to sign.
 - Peer pressure to sign
 - Threats from union organizers
 - Intimidation
 - Coercion
- If 50% + 1 sign this card – No election needed
- **NOT** limited to hourly workforce – any non-supervisory personnel can be targeted

Under EFCA, if a majority of employees sign this card it will unionize your workforce...

SAMPLE CARD

REPRESENTATION AUTHORIZATION AND REQUEST FOR AN EMPLOYEE ELECTION
UNDER THE NATIONAL LABOR RELATIONS ACT

NAME OF EMPLOYER: Widgets, Inc. EMPLOYEE NO.: 23

CLASSIFIED AS A: Widget Engineer (Please be Specific)

FULL-TIME: Full HOURS: 40 DATE OF HIRE: 6/15/01 STATION: C

SHIFT/HOURS/DAYS: R - 5 pm, M-F

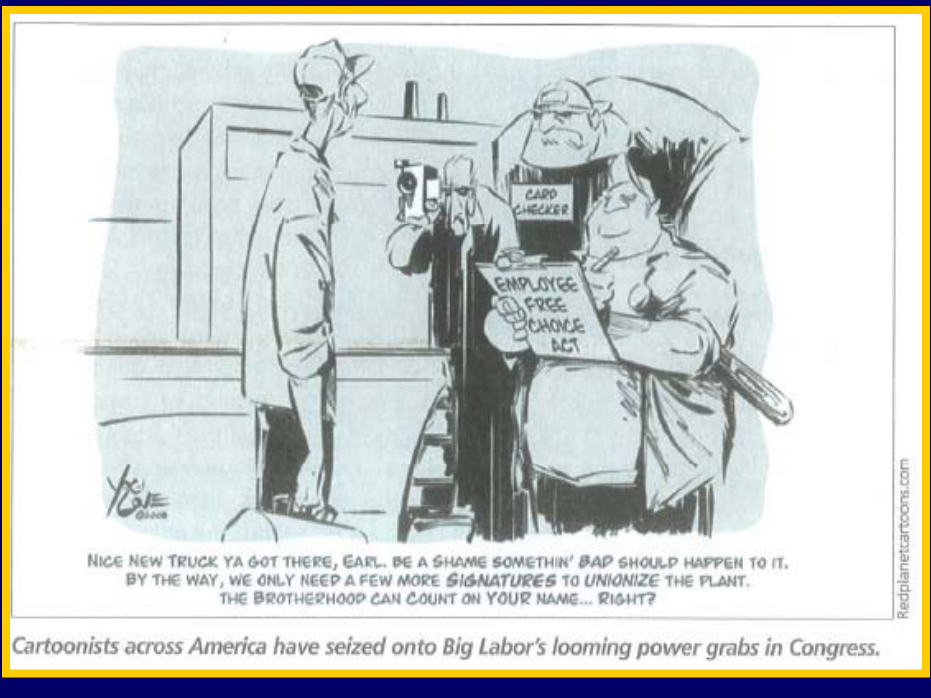
HOME ADDRESS: 123 Main St.

CITY: Small Town STATE: USA ZIP CODE: 00011 PHONE: (202) 555-1111

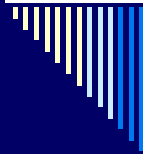
I authorize the Manufacturing Division of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW) to request the National Labor Relations Board to conduct an investigation and a representation election and to represent me for all purposes under the National Labor Relations Act with respect to:
(1) collective bargaining over rates, rules of employment, conditions, (2) grievance handling, and (3) protection of my rights under Section 2, Third and Fourth of the Act.

SIGNATURE: John Q. Public

PRINT NAME: John Q. Public DATE: 3/18/07



Cartoonists across America have seized onto Big Labor's looming power grabs in Congress.



What Is EFCA?

Current NLRB rules vs. Proposed EFCA

Current Rules

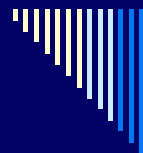
- 30% of employees sign cards
- Cards submitted to NLRB to start secret election process
- Time for Company & Union campaigns
- NLRB conducts secret ballot election
- NO TIME LIMIT on good faith bargaining
- No contract without mutual agreement
- Union can use strike for economic pressure
- If "impasse" reached, Company may implement last offer

EFCA Rules

- Mandatory card check 50% +1 sign cards ("Half + 1 and you're done")
- Under EFCA, secret ballot election eliminated
- Company must recognize Union as bargaining agent
- Company cannot present their side to employees
- No agreement between company & union within 120 days – Arbitration panel will make a decision (binding for 2 years)
- EFCA would virtually mandate that a first contract be on the Union's terms or the arbitrator's terms.

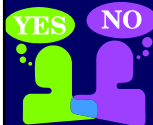
Half + 1 and you're done!

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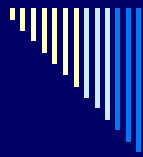


What Is Employee Free Choice Act (EFCA)?

- Employees lose their ***fundamental right*** to decide by secret ballot whether or not they want to belong to a Union
- Does not allow employees the opportunity to make well-informed decisions regarding possible union membership
 - No time for Company campaign
- Makes it easy for union organizers to form unions by allowing quick certification
- Requires a much more thorough process to DE-certify a union if employees want to vote out a Union.



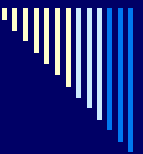
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What Is Employee Free Choice Act (EFCA)?

- Company & Union must agree on a contract within 120 days. If no agreement is reached:
 - A panel of arbitrators will decide, wages, benefits, management's right clauses, hiring practices, participation in underfunded union pension plans, etc.
 - Union & Company must accept the arbitrators' decision
 - Employees must accept the terms agreed to by the arbitrator – they lose their right to vote on the contract
 - Contract is binding for 2 years
 - Neither the Company nor the employees can appeal the decision

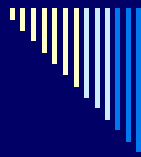
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Fighting EFCA

Actions need to be taken **immediately**.
We can not wait until the final law and regulations are passed.

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Fighting EFCA

- Talk to your family, friends and neighbors
- Send e-mails / faxes to Congressional members – as a concerned American employee
 - Form letter
 - List of Senators and Representatives for each location with fax numbers
 - Website resources for additional info on proposed **S. 560 and HR 1409**
 - This presentation