



How EFCA Will Work; What Will Change

The proposed Employee Free Choice Act (EFCA) drastically changes the way unions organize. Here's a quick summary of the key differences between the current union organizing process and the proposed card check process.

Current Process: Union organizers approach workers to sign authorization cards indicating they want to join the union to represent them in collective bargaining with their employer. The cards are reviewed by the National Labor Relations Board (NLRB). If 30% of eligible workers in an appropriate bargaining unit sign cards, the NLRB will schedule a secret ballot election. Prior to the election, there is an educational period where both the union and the employer can reach out to workers to make their cases. The educational period usually lasts for at least 30 days and ends within 24 hours of the vote. At the election, employees cast their votes in private.

If the union wins the majority of votes, the NLRB must recognize the union as representing the workers and the union and the employer must then enter into a collective bargaining process.

Card Check Process: Union organizers approach workers to sign authorization cards indicating they want the union to represent them in collective bargaining with the employer. The cards are the employees' only "votes." If a majority (50% plus one) of eligible workers in the proposed bargaining unit sign the cards, they will not have the chance to cast a ballot in private. Once signed, the proposed act has no provision for rescinding a card. Contract bargaining must begin within 10 days of the union's request.

If a first contract is not reached within 90 days, the Federal Mediation and Conciliation Service will intervene. If no agreement has been reached after 30 days of mediation, the negotiation is referred to an arbitration panel selected by the government for binding arbitration and a contract can be imposed upon the employees and the employer.

Under card check, even a specific business unit or a single department within a company can be organized by a collection of signed cards from a majority of workers within the targeted group. That group must then be represented by the union even if no other part of the company is organized. The differences are dramatic. In the current process, signing an authorization card means you are interested in possibly joining a union. However, the card is not your vote. Under current law, if you sign the card, you will have an opportunity to cast your vote for or against the union privately, in a secret-ballot election. Under card check, however, signing an authorization card is your only "vote." There will be no secret-ballot election to follow. If a simple majority of workers sign cards, the union will be recognized as the official representative of all workers in the bargaining unit – even though some may never have been given an opportunity to sign a card or not.