



Special Report

March 2009

ACTION ALERT: “Card Check” Legislation Introduced in U.S. House and Senate. Contact Your Senators and Representatives.

Current Situation

On March 10, H.R. 1409/S. 560, the Employee Free Choice Act (EFCA), also known as “card check” legislation, was introduced in the 111th Congress. Although the bill is not expected to be voted on until later this year, NRCA urges all members to contact their members of Congress now to urge them to oppose this divisive legislation.

EFCA was introduced in the U.S. House of Representatives by House Education and Labor Committee Chairman George Miller (D-Calif.) with 222 co-sponsors, more than the 218 votes needed to pass the bill but less than the 233 co-sponsors the bill had in the previous Congress. In the Senate, EFCA was introduced by Sen. Edward Kennedy (D-Mass.) and 39 co-sponsors. Fifty senators’ votes are needed to pass the bill (along with the vote of the vice president), but Republicans are all but certain to filibuster the bill. Therefore, 60 votes will be needed to invoke cloture and secure passage. The real battle will likely come down to a handful of votes in the Senate.

President Obama has indicated he would sign the bill if it makes it to his desk.

EFCA contains a number of provisions NRCA finds especially offensive. First, the bill would effectively eliminate secret-ballot elections supervised by the National Labor Relations Board for union organizing by allowing a union to form when a majority of workers sign (or “check”) authorization cards indicating their support for a union, forcing workers to publicly declare their support or opposition to forming a union. To put it mildly, that process is an invitation to abuse.

The bill also would mandate binding arbitration of first union contracts if the employer and the union cannot come to agreement within the first 120 days of negotiations. This would result in government officials from the Department of Labor imposing the terms of a labor contract on management and labor. Neither party would be allowed to vote to accept the agreement, and neither would have any recourse. Among other things, this provision provides a real disincentive for meaningful negotiations and can—and will—simply be used as a threat when talks are stalled.

Finally, the bill would impose new and severe penalties on employers (but not unions) for violations of the National Labor Relations Act. Under one provision of the proposed penalty structure, employers would be vulnerable to an injunction reinstating a dismissed employee if that employee or the union seeking to represent him or her merely alleges the dismissal was because of union activity.

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NATIONAL ROOFING CONTRACTORS ASSOCIATION

Although EFCA has enough support to pass the House of Representatives, it remains unclear whether EFCA has the 60 votes needed to pass the Senate. Recent reports indicate a number of senators are undecided, most notably Evan Bayh (D-Ind.), Michael Bennet (D-Colo.), Dianne Feinstein (D-Calif.), Mary Landrieu (D-La.), Blanche Lincoln (D-Ark.), Ben Nelson (D-Neb.), Mark Pryor (D-Ariz.), and Mark Warner (D-Va.). In addition, Sen. Arlen Specter (R-Pa.) announced on March 24 that he will vote against the bill. NRCA members are urged to call or e-mail Sen. Specter's office to thank him for his opposition to EFCA.

Action is Needed! Urge Congress to Oppose the Employee Free Choice Act

Contact your senators and representatives and urge them to **oppose** EFCA because it strips workers of a fundamental right to a secret-ballot election and will result in government bureaucrats dictating the terms of collective bargaining agreements.

- Contact your senators and representatives by calling the U.S. Capitol Switchboard at (202) 225-3121 and asking for the senator's or representative's office.
- Contact your senators by e-mail. Visit www.senate.gov, and click "Find Your Senators" in the upper-right corner.

For more information or help in contacting your elected officials, contact Duane Musser, NRCA's vice president of government relations, at (800) 338-5765 or dmusser@nrca.net.