

November 6, 2008

Post Election 2008  
Edition

## "Card Check" & What it Means For Your Business




Betty Montgomery

With the election of Senator Obama as our next president, it seems clear that the "Employee Free Choice Act" will be a top agenda item for both the unions and the Obama administration. Campaign statements by union leaders as well as then-candidate Senator Obama make this fight imminent and inevitable. What does this proposed legislation do?

Also known as "card check", this legislation would streamline union certification, amending the National Labor Relations Act (NLRA) by adding language requiring an employer and the National Labor Relations Board (Board) to immediately recognize a union as a bargaining representative if a majority of employees have signed authorization cards. Once certified, this legislation requires that initial collective bargaining negotiations begin within 10 days of union certification. The act proposes to increase remedies for unfair labor practices by employers and to prioritize hearings of allegations of unfair labor practices before the Board.

The most dramatic change in this proposal is reflected in the "streamlined" process. Current law requires that once union cards are signed by at least 30% of the proposed unit and are presented to the Board, that a secret ballot election take place, overseen by the NLRB. This proposal removes the supervised secret ballot procedure, replacing it with the simple act of public signing. Thus, under this system, workers' votes are made public to the employer, union organizers, and co-workers at the moment the request to sign is made and union recognition occurs once a majority of cards seeking recognition of the union are obtained.

There is little doubt that this will be priority legislation for our new President



and Congress. If this legislation could adversely affect your business, we recommend that you contact your congressional representative and educate him or her on the affect of the legislation on your business. In the meantime, preparing yourself for the legal and practical ramifications of this legislation should become a priority.