

Employee Free Choice Act

What Do You Do When the Union Comes Knocking

The Employee Free Choice Act (EFCA) is pending legislation that will fundamentally change how employers deal with unions. H.R. 1409, S. 560 will make it MUCH easier for unions to organize your workforce and provide severe penalties if you commit an unfair labor practice.

In today's labor environment, unions must secure 30% of the workforce signatures on interest cards. Once this is completed they petition the employer for recognition. The employer will usually want to hold a secret election and they have several weeks to "make their case" why the employee is better off without the union. The union wins if they secure 50.1% of the vote at this secret election and the employer is then required to bargain in "good faith". The EFCA changes this process in a couple of fundamental ways:

1. If a majority of employees sign union authorization cards the National Labor Relations Board (NLRB) can certify the bargaining unit WITHOUT a chance for the employer to hold a secret election.
2. There are also stricter penalties for employers who violate provisions of the National Labor Relations Act (NLRA). The bill would provide for civil fines of up to \$20,000 per violation against employers found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract drive. Currently there are no civil fines for violations.
3. There are new sets of mediation and arbitration procedures when a contract cannot be reached. The bill provides that if an employer and a union are engaged in bargaining for their first contract and is unable to reach agreement within 90 days; either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS) for mediation. If the FMCS is unable to bring the parties to agreement after 30 days of mediation the dispute will be referred to arbitration and the results of the arbitration shall be binding on the parties for two years. The union and employer may extend any deadlines or time limits.

The bill was cosponsored by our current Secretary of Labor and is supported by President Obama who said:

I support this bill because in order to restore a sense of shared prosperity and security, we need to help working Americans exercise their right to organize under a fair and free process and bargain for their fair share of the wealth our country creates.

So the question I would ask is are you ready for a union? Have you ever been through a union organizing campaign before? Ever negotiated a contract? I will tell you that the threat is real and I recently saw a commercial for the act when I was visiting a customer in Maine.

Are you interested in learning more and/or need help with a union? GHRO has the experience and resources in this area, give us a call (949) 797-2035 or e-mail me, Jeff Stinson at jstinson@ghrogroup.com

Written BY; Jeff Stinson

Jeff Stinson is the President of Global Human Resources Outsourcing (GHRO) a full service Human Resources outsourcing company in Irvine California. GHRO specializes in helping companies grow by better utilization of their people.

Jeff has been involved in the management and development of human capital for the past 29 years. Before founding Global Human Resources Outsourcing (GHRO) he ran a successful Human Resources consulting practice (JDS Consulting). Prior to JDS Consulting, Jeff functioned as a senior human resources executive for several companies where he led human resource teams on three continents in the manufacturing, telecommunication, software and entertainment industries.

Jeff earned a Bachelor of Arts and Master of Arts degree in Public Administration from California State University, Fullerton. In addition to his university education Jeff also holds designations as a Senior Professional in Human Resources (SPHR); Global Professional in Human Resources (GPHR); Certified Compensation Professional (CCP); Global Remuneration Professional (GRP); and Certified Benefits Professional (CBP). He has also been an instructor at the Universities of Redlands, Phoenix and Chapman for the past 25 years.

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