



## **Employee Free Choice Act (Card Check) Position Paper**

**Approved by Issues Management Council: 1.14.10**

**Approved by Executive Committee: 1.25.10**

**Approved by Board of Directors: 1.27.10**

The so-called Employee Free Choice Act (EFCA), also known as “Card Check,” would change the methods for establishing how a union represents employees in a workplace and the process for an initial contract between an employer and employees. Under the current labor law, the National Labor Relations Board (NLRB) certifies a union as an exclusive representative of employees if the union is elected in a secret- ballot conducted by the NLRB. The election is held if more than 30 percent of the employees sign statements asking either for representation by a union or for an election. After a campaign where employers, union, and co-workers hear all sides of the issues, an election by secret ballot occurs under the supervision of the NLRB.

The EFCA changes would require the NLRB to certify a union without a secret ballot if 50 percent plus one of the employees sign cards indicating their support. There is no limit to the time that cards can be collected and no employee can change his or her mind once the card is signed. The union organizers can make any statements in order to secure a signature.

The employer and non-signing employees have no say in the matter. There is no effective chance that a secret ballot will be held. The union will take over representation of the employees and if no contract is agreed upon between the union and the employer, a panel of arbitrators will decide all the terms of an agreement including wages, hours and all other work conditions. That contract cannot be rescinded for two years, regardless of employer or employee satisfaction.

The critics of the bill, including former U.S. Sen. George McGovern, correctly point out that the secret ballot is a precious precedent in union negotiations that has been long established. The present law already requires that all parties bargain in good faith. The bill is further criticized because it requires both the union and management to accept a contract dictated by a government third party who likely has no experience in the business or other factors related to the business. Senator McGovern has been an early and severe critic of the bill.

**The Chamber Board takes the position that the EFCA Bill will cause great harm to the relations between employers and employees and asks staff to communicate to the South Dakota Congressional Delegation urging that the bill be defeated by Congress.**