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Employee Free Choice Act (EFCA)

The Employee Free Choice Act (EFCA) is pending legislation which will amend the National Labor Relations Act (NLRA) and make it easier for employees to form, join, or assist labor organizations. These amendments are significant changes to the NLRA.

As originally proposed, the EFCA had three primary components:

1. Card check recognition, requiring unions to present only a simple majority of authorization cards versus a 45 day campaign and secret ballot election in order to represent a bargaining unit;
2. Interest arbitration, if a first contract is not reached after 120 days of bargaining and mediation versus good faith bargaining with no time limit.
3. Enhanced penalties for unfair labor practices committed during organizing campaigns and first-contract bargaining.

Recommended Employer Action Items Include:

1. Be proactive. Conduct internal assessments of labor relations, employee engagement, total compensation, open door policy, and communication programs.
2. Train your Managers / Supervisors now on the current union election process, pending EFCA changes and union activity awareness.
3. Establish a pro-employee work environment to include impactful employee relations programs, ongoing employee meetings and an employee survey process that will provide confidential feedback about current management practices.

For additional information, contact Dan Hahn at HR Group (773) 549-1701 or dhahn@hahnresourcegroup.com

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