

# The Employee Free Choice Act (Card Check)

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## Current Law

## EFCA

### Worker Privacy

Unions can request an organizing election once 30 percent of a company's workers sign authorization cards in a public "Card Check." This constitutes a "showing of interest," and the National Labor Relations Board (NLRB) must order a private ballot election. NLRB procedures ensure a fair election, free of fraud, where employees may cast their vote confidentially without peer pressure or coercion from unions or employers.

Employers and the NLRB must recognize a union once organizers submit union cards signed by a majority of workers in a company. This replaces private ballot elections with publicly signed cards. Abolishing private ballot elections deprives workers of a fundamental democratic right and exposes them to harassment and coercion.

### Binding Arbitration

Negotiations on an initial union contract following unionization are treated the same as any other contract: the parties are required to negotiate in "good faith" until they settle on terms. If they fail to do so, the union may call a strike, and the employer may implement its last offer or even lock out workers.

Collective bargaining negotiations must begin within 10 days of union certification. After 90 days of bargaining, either party may request mediation by the Federal Mediation and Conciliation Service. Thirty days later, if the parties are still unable to settle on a contract, the negotiations are referred to a Federal arbitration board. The board's decision is binding upon both parties for a period of 2 years.

### Unfair Penalties

Both companies and unions are prohibited from engaging in unfair labor practices during an organizing drive.

Increases penalties against employers, but not unions, for unfair labor practices committed during an organizing drive. The NLRB is required to prioritize investigation of those cases.

When an employer illegally discharges a worker for supporting a union, the employer is required to provide the worker full back pay.

Employers must pay triple back pay restitution.

Employers can be assessed civil penalties up to \$20,000 per violation for unfair labor practices.

