

EMPLOYEE FREE CHOICE ACT OPPOSITION BILL TO BE INTRODUCED BY REPUBLICANS

Congressional Republicans, who are adamantly opposed to the proposed Employee Free Choice Act (EFCA), are expected to introduce their own bill designed to ensure employees the right to a secret ballot election conducted by the National Labor Relations Board (NLRB). The measure, to be called the Secret Ballot Protection Act (SBPA), has approximately 100 co-sponsors.

The bill would amend the National Labor Relations Act (NLRA) to make it an unfair labor practice for an employer to recognize or bargain with a union that has not been selected by a majority of employees in a secret ballot election conducted by the NLRB. It also would make it an unfair labor practice for a union to cause or attempt to cause an employer to recognize or bargain with a union that has not been selected by a majority of employees in a secret ballot NLRB election. Similar legislation was introduced in the 108th, 109th, and 110th congresses, but never made it out of committee.

The EPCA passed the House in March 2007 on a 241-185 vote, but fell nine votes short in the Senate of the 60 needed to limit Senate debate and proceed to final consideration of the bill. The Law would amend the NLRA to require the NLRB to certify a union as the representative of employees if a majority of employees sign union authorization cards. The proposed legislation also would allow unions to continue to petition for NLRB-supervised secret ballot elections, if they choose, once 30 percent of the workers have signed union authorization cards. Currently, the NLRA provides that unions "designated or selected" for the purposes of collective bargaining by the majority of the employees shall be the exclusive representative of the employees in the unit, but does not set out how the union is designated or selected. The SBPA would amend this provision to require that the union be designated or selected by a secret ballot election.

(Source: BNA, *Daily Labor Report*, No. 35, February 25, 2009, pp. A8-A9.)