



**HARRISBURG REGIONAL  
CHAMBER & CREDC<sup>SM</sup>**

POSITION STATEMENT  
Employee Free Choice Act (EFCA)

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**Background:**

The Employee Free Choice Act (EFCA), also known as Card Check, would dramatically change unionizing practices for businesses across the United States. The purpose of Card Check is to make it easier for unions to organize by eliminating the need for secret ballot election and replacing it with employee signed authorization cards.

Currently union organization elections are run by the National Labor Relations Board (NLRB). Coercion of workers eligible to vote by either the employer or union is prohibited. NLRB sets up voting using secret ballots and conducts the election.

Under the Card Check bill, once more than 50% of employee signatures are collected, the union is recognized as a bargaining unit and the employer must start collective bargaining with the newly formed union within 10 days. There is no time limitation and union organizers can collect signatures from employees anywhere at any time. Check Card eliminates secret ballot for employees and removes NLRB from the process.

It also provides that once a union is formed, if no contract is reached by both sides within the designated time period, a federal arbitration panel creates a contract that is binding on both sides for two years. Under Card Check legislation, penalties are only imposed on employers who violate union organizing laws of up to \$20,000 per violation.

**Reasons to Oppose:**

- Card Check would eliminate secret ballot election by employees increasing the chance of coercive methods to be used to acquire employee compliance by union organizers.
- Card Check greatly simplifies the process for unions to be formed without a process and without involvement of the employer or the NLRB.
- The legislation amends the collective bargaining law so that it imposes binding government arbitration after a 120 day impasse.
- Card Check imposes increased penalties for only employers who violate union organizing laws.
- Small Businesses could be greatly affected by the legislation and face unprecedented union organization efforts and unanticipated expenses.
- The current economic climate cannot afford further discouragement of investment or job creation that may arise from the division created among workers, unions and employees from the passage of this legislation.

**Summary:**

**Date:** February 5, 2009

**Chair:** Sheilah Borne

**Harrisburg Regional Chamber Board of Directors:** February 11, 2009

**Chamber Position:** OPPOSE

**Committee:** Government Relations