

## Employee Free Choice Act Compromise Announced

Key US Senators have apparently reached a compromise on the hotly-debated Employee Free Choice Act (the "Act"), making passage of the Act much more likely. The Act, which was passed by the House in 2007 and is vigorously opposed by business and management, contains drastic provisions including a mandatory, two-year binding arbitration requirement for a first collective bargaining agreement ("CBA") if one cannot be reached between labor and management within 130 days.

In addition, the Act provides for significantly increased penalties for unfair labor practices by management while a union is seeking representation or during negotiations of the first CBA. The Act in its original form also eliminated the need for secret ballot elections by allowing a union to file for representation by alleging that a simple majority of employees in an appropriate bargaining unit desire representation by the union. As part of the compromise recently reached, an election would have to be held within five to ten days after 30 percent of workers sign authorization cards. Currently, the campaign period often runs approximately one-and-a-half months. The compromise also contains several measures senators are considering, including a requirement that employers give union organizers access to company property and another which bars employers from requiring workers to attend anti-union meetings.

To pass in the Senate, the Act needs 60 votes. There are currently 58 Democrats in the Senate, and two Independents who caucus with the Democrats. Several of these senators opposed the Act in its original form; however, many of their concerns may have been addressed by this recent compromise.

A vote is expected in September.



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