



National Automobile Dealers Association



NADA Supports Protection of the Secret Ballot, Opposes “Card Check” (S. 560 and H.R. 1409)

Summary

Organized labor’s top legislative priority is the Employee Free Choice Act (EFCA), designed to make it easier for unions to organize workers. The major provision of the bill is known as “card check,” which would fundamentally change labor law by making union organization as simple as circulating a petition. National labor policy must preserve procedural safeguards to protect the rights of both employers and employees.

Background

Under current law, the first step to organize a union is for organizers to ask the National Labor Relations (NLRB) board to conduct an election if at least 30% of the employees in a proposed bargaining unit sign union authorization cards. The employer then has the opportunity to provide employees with relevant information on how unionization would affect the workplace before the election. When the secret ballot certification election is held (within approximately 42 days), the union must receive support from 50% plus one of the eligible employees voting to be recognized.

The “card check” provision of EFCA would allow a union to organize if a majority of workers simply sign a card. It would eliminate the right of employers to request a secret-ballot election before a union could be certified. Employers in “right to work” states would also be impacted. While “right to work” laws prohibit agreements between unions and employers making membership or union dues a condition of employment, the legislation would still allow for “card check” recognition.

Key Points

- EFCA would strip workers of the democratic right to a supervised private ballot election. “Card check” disregards free choice and individual privacy by allowing workers’ votes to be made public to the employer, union organizers, and co-workers. Eliminating the secret ballot could also subject workers to union coercion and harassment.
- The current election process is extremely important, especially for smaller employers such as dealerships, because it provides employers reasonable time to educate employees of the adverse effects of unionization.
- The legislation could make it easier for separate bargaining unions to organize different departments within a company. Having multiple unions within a dealership would be burdensome and would take away the flexibility to remain competitive, especially in this challenging economic environment.

Status

On March 10th, EFCA was reintroduced as S. 560 and H.R. 1409. Members of Congress are strongly discouraged from cosponsoring the legislation. The Senate is likely to vote on the legislation first, where proponents need 60 votes to win the key procedural vote on cloture. Senators are urged to vote no on cloture. Representatives are also urged to oppose this legislation or any compromise.

March 2009