



CARD CHECK FACT SHEET

Summary of the Card Check Bill:

1. Effectively eliminates the private ballot election
2. Imposes binding government arbitration after a 120 day impasse
3. Imposes dramatic new penalties only on employers

Background

The principle purpose of the Card Check Bill is to make it easier for unions to organize. Under current law, if union organizers collect signatures from at least 30 percent of the employees in a bargaining unit, the employer may recognize the union or the NLRB will be brought in to supervise a private ballot election. This process, established and refined through decades of experience, carefully balances the interests of employees, unions, and employers in order to ensure that workers can hear all sides and then make up their minds and vote in private, without intimidation or coercion. Today, a majority of elections are held within 39 days and a majority of union elections are won by organized labor.

Because union density has dropped so low (about 7.5 percent in the private sector, a decrease from representing 34 percent of the private sector in the 1950s), organized labor is seeking to change the rules and make it easier to organize. The Card Check bill would do just that – instead of determining whether a union would be certified through a federally supervised private ballot election, the union would be certified the moment it collected a majority of signed authorization cards. Once 51 percent of the employee's signatures are collected, that union becomes recognized as the bargaining unit by the NLRB without an election and possibly even before an employer is aware of the organizing effort. At this point, both parties must begin collective bargaining.

The Card Check bill would therefore effectively eliminate the campaign period and the legal requirements that regulate it, not to mention all but eliminating the ability of employees to make an informed decision in private. Instead, employee decisions on unionization would be made in front of union organizers, greatly increasing the opportunity for coercion and pressure in the union organizing process.

A secondary, and less well known purpose of the bill is to amend collective bargaining law so that when a union is recognized for the first time, government arbitrators will set all the terms and conditions of the union contract if the union and the employer are unable to meet unrealistic timelines for reaching an agreement. This contract would be effective for a 2-year period. Today, the law requires that the parties bargain in good faith and recognizes that the union, representing workers, and the employer are in the best position to determine whether an agreement is acceptable and whether compromising on one goal in order to achieve another is acceptable. The Card Check bill's mandatory interest arbitration provisions would remove any incentive for the employer or the union to adopt realistic bargaining positions, as each would be posturing for the arbitrator, and would give the arbitrator control of the most basic business decisions. It would also deny employees the right to vote on ratification of the contract.

Finally, the Card Check bill would increase penalties only for violations by employers, but not for unions or others who violate union organizing laws. Section 4 of H.R. 800 of 2007 states that an employer could pay fines up to \$20,000 per violation.

Talking Points

- Last session, Card Check passed the U.S. House with a vote of 241-185. All Pennsylvania House Republicans opposed Card Check, except for Rep. Tim Murphy. All other Pennsylvania delegation votes were party-line
- In the U.S. Senate, both Sens. Bob Casey and Arlen Specter voted to suspend debate on the bill and vote on Card Check. This motion failed and the bill was not brought up for a vote last session (60 votes are required to end a filibuster)
- President Obama has indicated that he is supportive and will sign Card Check, as he was also a co-sponsor of previous legislation
- Workers are better protected from intimidation by casting their vote privately with a federally supervised agency (National Labor Relations Board). Taking away employees' access to a private ballot is undemocratic
- In addition to effectively removing private ballots from the workplace, the legislation would also mandate binding arbitration if both sides are unable to reach an agreement in the prescribed timeline. This means that wages, benefits, hours, etc. will be determined by a government arbitrator
- Overall, this legislation creates uncertainty for business planning and diminishes the control employers have over their operations and property, and could reduce employers' incentives to grow their businesses in the United States.
- This proposal is a threat to small businesses that have not had to deal with union organizing efforts in the past and may be unprepared
- In the NLRB's 2007 fiscal Annual Report, it documented that there were a total of 1,905 private ballot elections; unions won representation in 1,195 (55.7 percent)
- Pennsylvania is not a Right To Work state, therefore workers will be required to pay dues when a union is recognized by the NLRB