

STRENGTHENING EMPLOYEE RELATIONS™

EFCA and Current Law Comparison Chart

	CURRENT LAW	EFCA
Unionization Process	<ul style="list-style-type: none"> • Authorization cards signed by 30% of employees of the bargaining unit • Campaign period (approximately 42 days) in which employer can educate employees regarding the pros and cons of a unionized workplace • Secret ballot election supervised by the NLRB (employees that signed an authorization may change their position and vote against the union) • If 50% plus 1 of the employees in the collective bargaining unit vote in favor of the unit, the union is certified 	<ul style="list-style-type: none"> • If authorization cards are signed by 50% plus 1 of the bargaining unit employees, a union may be certified • No campaign period • No secret ballot election
First Contract	<ul style="list-style-type: none"> • The employer and the union are required to bargain in "good faith" regarding the terms and conditions of the first contract • No time frame is mandated in which a first contract must be reached 	<ul style="list-style-type: none"> • Bargaining must begin within 10 days of a union's demand to commence contract negotiations • If the parties do not reach a first contract within 90 days, either party can request the assistance of a mediator • If within 30 days of the mediation request a first contract is not reached, either party can demand binding arbitration • An arbitration panel determines the terms and conditions of the first contract. • The contract is binding for 2 years
Penalties	<ul style="list-style-type: none"> • If an employer engages in an unfair labor practice, the remedy is to restore the "status quo" • This generally means posting a notice that the employer will not engage in misconduct and may involve back pay if an employee was terminated 	<ul style="list-style-type: none"> • Each unfair labor practice may be punishable by a fine of \$20,000 • Triple back pay (back pay plus 2 times that amount as liquidated damages) may be awarded if an employer discharges or retaliates against an employee for organizing activities