

## THE ISSUE

Organized labor has put forward a bold legislative agenda that, if enacted, would make it much easier for unions to sign up new members and force bargaining agreements upon unsuspecting employers.

The so-called Employee Free Choice Act (EFCA), or the "Card Check" bill, would fundamentally tilt the playing field in favor of union organizing. All merit shop contractors should learn the ramifications of what this bill would do and should prepare to defend against a major union organizing assault if the bill becomes law.

EFCA will:

- Eliminate the right of employees to a secret ballot election
- Require compulsory arbitration
- Create new penalties

EFCA hasn't passed yet! Call your representatives and tell them this is bad for business.

*"It's time we had a President who didn't choke saying the word Union. We need a President who knows it's the Department of Labor and not the Department of Management. A President who strengthens our Unions by letting them do what they do best, organizing our workers. It's time to pass the Employee Free Choice Act. It's not a matter of if; it's a matter of when. I will make it the law of the land when I am President."*

*Barack Obama*

## WHAT IS ABC?

ABC provides this information in order to prepare you should the Employee Free Choice Act become law.

We hope that as business owners you will consider the potentially devastating potential this legislation can and will have on merit contractors.

ABC is a national organization that advances the principles of free enterprise and merit in the construction industry.

ABC provides members and their employees with opportunities to succeed by promoting safe, quality, and sustainable construction.

We are happy to speak with you to provide more information by helping you to better understand your rights.

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## EMPLOYEE FREE CHOICE ACT

### A Guide for Business Owners & Managers



*developed by*  
Associated Builders & Contractors  
Sierra Nevada Chapter

## EMPLOYER CHECK LIST

- Have an employee handbook and update company policies to limit outside solicitation and communication
- Setup a meeting with employees and tell them about the Employee Free Choice Act
- Explain and show an example of the cards
- Don't Sign the Cards
- Emphasize positive things about being merit and how employee's wages, benefits, and working conditions compare to other companies.
- Tell employees about any bad experiences you or others you know have had with unions and how unions have hurt employees, other companies and the local economy.
- Say you **think** employees should vote no and refuse to sign a card
- Union officials may try to trick employees into signing the cards by saying the cards do something different than what the cards and the Employee Free Choice Act say.
- Instruct your supervisors to maintain regular daily contact with employees and observe and report changes about attitude, rumors of cards and home visits from union officials, employee huddles, meetings, etc.
- Train supervisors what they can say and what they CANNOT say to employees.

### AUTHORIZATION FOR REPRESENTATION

I, the undersigned, an employee of [NAME OF COMPANY], hereby request and accept membership in the Union and designate the Union to act as my collective bargaining representative with my employer in all matters relating to my wages, hours, and other conditions of employment.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

## 7 REASONS FOR OPPOSING THE UNION

- 1. The Union Costs Money.** If the union is voted in and gets a contract, each of the company's employees could be expected to pay hundreds of dollars per year out of their paychecks.
- 2. Unions are in Decline.** Unions are losing members. Fewer than 10% of all American workers belong to a union. Nine out of 10 workers have either quit the unions, been laid off or never joined in the first place.
- 3. At the Bargaining Table Everything Would be Up for Grabs.** If the union gets in, the company would be required to bargain in good faith. But the law says that management cannot be forced to agree to any union demand. Wages are normally frozen during bargaining. The company also would have the right to make counter-demands. Employees could wind up with the same things they have now, or even less.
- 4. The Union May Call a Strike.** Strikes do not always happen, but they happen a lot when unions and management disagree. If there is a strike, the company would be allowed to consider hiring replacements, if necessary, in accordance with applicable law. Everyone would lose during a strike.
- 5. The Union Will Make it Harder for the Company to Compete for Work.** Employee jobs come from the company's ability to perform its contracts at a reasonable price. The union will do nothing to help the company compete for new work and could make it harder.
- 6. Union Work Rules Will Work Against Employees.** Some of the company's workers do not qualify to work as journeymen under the restrictive union work rules. If not, the union contract says that only a few apprentices are permitted on each job. With no union, employees' jobs are more secure.
- 7. Help Employees or Hurt the Company?** Union organizers have told workers that bringing the union in will help the company and increase job security. Nothing could be further from the truth. Unions have publicly attacked merit shop companies, making it harder for the company to get more jobs for its employees.

**DON'T SIGN A CARD! NO UNION MEANS NO DUES, NO STRIKES AND NO FALSE PROMISES!**

## EMPLOYER DON'TS

An easy way to remember the things employers and supervisors cannot do or say during a union organizing attempt, just remember "**TIPS**".

### You Should Not:

**"T" Means Threaten** - You cannot threaten individuals participating in union activities with reprisals such as reducing employee benefits, firing the employee or retaliation of any kind, and, of course, you cannot take such reprisals.

**"I" Means Interrogate** - You cannot interrogate employees about whether they signed a union card, whether they are supporting the organizing activity, how they intend to vote or what they think about union representation.

**"P" Means Promise** - You cannot promise wage or benefit increases, promotions or any other future benefit to employees for opposing the union, nor can you give such benefits for this reason.

**"S" Means Spy** - You cannot spy on or survey union activities to determine who is attending union meetings or who is signing union cards or supporting the union. This applies to both work time and non-work time, on and off the firm's premises.

Just remember "**TIPS**", and finally, do not **DISCRIMINATE** among employees based on their union activity.

Definitions of unlawful "threats," "interrogation," "promises" and/or "spying" are subjects of highly complex legal rules and decisions. These rules are too complicated and numerous to list here. You should remember, however, that all of the circumstances surrounding a particular conversation or act are considered in determining whether it amounted to illegal threats, promises, spying or interrogation, and that implied threats or promises are just as illegal as direct ones.

*The union organizing bill, sometimes called card check, is an "important piece of legislation...we're hoping to get to it sometime this summer."*  
Senate Majority Leader Harry Reid