



The Employee Free Choice Act

Section by Section Summary

Section I. Title

Section II. Streamlining Union Certification

- Amends Section 9(c) of the National Labor Relations Act (NLRA) by adding language that requires an employer, and the National Labor Relations Board (Board), to immediately recognize the results of a cardcheck campaign.
- Specifically states that Board will certify the union as a bargaining representative if a majority of employees have signed authorization cards.

Section III. Facilitating Initial Collective Bargaining Agreements

- Amends Section 8 of the NLRA by adding the following requirements for initial contract negotiations, following union certification or recognition.
 - Collective bargaining negotiations must begin within 10 days of union certification.
 - If a collective bargaining agreement has not been reached after a 90-day negotiation period, either party may request mediation from the Federal Mediation and Conciliation Service (FMCS).
 - If the FMCS cannot bring about an agreement within 30-days of the request for their assistance, the negotiations shall be referred to a Federal arbitration board.
 - The Federal arbitration board's decision is binding upon both parties for a period of 2 years.

Section IV. Strengthening Enforcement

- Charges of unfair labor practices by employers during an organizing drive, or subsequent collective bargaining negotiation, shall be given priority over all other cases considered by the Board and the Board would be required to seek injunctions requiring reinstatement of discharged workers before a hearing is held on the merits

- Increases remedies for unfair labor practices by employers during an organizing drive or until a first contract is reached.
 - Increases back pay restitution to employee to back pay “and, in addition, two times that amount.”
 - \$20,000 civil penalty for the employer, per violation.