



## Issue

Democrats in both the U.S. House of Representatives and the U.S. Senate introduced controversial labor legislation, the Employee Free Choice Act, in both chambers on March 10, 2009. H.R. 1409/S. 560, also referred to as “card check,” would change how unions organize workers in the United States by eliminating a company’s right to demand a secret ballot if a majority of employees sign authorization cards to form a union. It also requires binding arbitration to reach a first contract, if labor and management can’t reach an agreement within 120 days, and increases penalties for businesses that violate labor laws. Instead of an election run by the National Labor Relations Board, workers would be able to fill out cards saying whether they support or oppose a union.

## Talking points in opposition to the Legislation:

- Under existing law, employees can vote for or against unionization in a private-ballot election that is federally supervised. Under the Card Check bill, if more than 50% of workers at a facility sign a card, the government must certify the union, and a private-ballot election would be prohibited even if workers want one.
- Card Check opens the door to intimidation and coercion by forcing workers to sign a card in public instead of vote in private.
- Workers could be asked to sign a card almost anywhere, including outside the workplace,

such as their homes. Union organizers could go back to any worker who declines to sign over and over again until they get the desired result.

- Under Card Check, a union is not obligated to tell an employer it is launching an organization drive. An employer may not find out an organizing campaign is underway until ordered by the federal government to start collective bargaining. Likewise, not all workers might know about organizing efforts and therefore might not have had the opportunity to vote.
- Over 70% of union voters agree that a private election is better than card check.
- Card Check could put government regulators in charge of private business decisions.
- Once a union is certified, the business and union would only have 120 days to reach agreement before being forced into binding arbitration. A panel of government arbitrators who may have no understanding of the business could impose a two-year contract deciding all of the terms without the company’s or its employees’ involvement.
- Card Check would unfairly punish businesses by imposing new penalties on them and not unions for violations during the union recognition process. This could be detrimental to small businesses that are not familiar with unionizing campaigns or the National Labor Relations Act.
- If Card Check becomes law, many small and medium-size businesses would be facing unionization for the first time.

## **NATA Position**

NATA strongly encourages its members to be outspoken in opposition to the Card Check bill. It is going to take a lot of influence in both the House and Senate to persuade lawmakers that this legislation will negatively affect small businesses and large employers in the U.S. Call, write, or visit your representatives today!

## **Status**

Currently, Senate Democrats do not have the support necessary to pass the legislation. It's possible that the legislation could be on the Senate floor in late April or the beginning of May. President Obama co-sponsored the legislation when he was in the Senate and said last week he would work to "pass the Employee Free Choice Act," his most explicit comments in support of the bill since taking office.

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