

## EMPLOYEE FREE CHOICE ACT

The Nevada Association of Employers has made a decision that, although redundant to some of you, we will keep publishing information about the Employee Free Choice Act as our way of keeping this issue at the forefront. This bill could significantly change the labor/management environment and place employers at a tremendous disadvantage when dealing with unions.

Just as a reminder, the Employee Free Choice Act, although currently at a stand still in Congress, stands a very good chance of seeing the light of day in the near future. The EFCA significantly amends the National Labor Relations Act in several ways. First, it will do away with the secret ballot election currently available under federal law. The EFCA would allow a union to gather authorization cards from a majority of employees in a bargaining unit and proceed immediately to collective bargaining, without the benefit of a campaign and NLRB sanctioned secret ballot election. The EFCA also says if the first contract isn't negotiated within 90 days, the government can come in and impose wages, benefits and other terms and conditions of employment. So, as you can see, there is much at stake for all employers should this very biased law pass! To make matters even worse, another proposed law, the Re-Empowerment of Skilled and Professional Employees and Construction Tradesworkers Act or "RESPECT" Act, would re-define what a supervisor is making it more difficult to carve supervisors out of a potential bargaining unit. These supervisors are the very people an employer needs to stand any kind of a chance in winning an election and staying union free.

Employers should be pro-active now should the above become law. The first thing an employer should consider is a policy which limits or restricts access by non-employees to company property. Securing lists of employee names, phone numbers and addresses and email addresses as well as limiting computer access to this data is advisable. Review your safety and health issues along with your pay/wage practices. Survey your employees to determine prevailing attitudes and/or concerns.

NAE's Employee Opinion Survey has a union vulnerability component to it which is designed to help you recognize if your company is susceptible to union organizing. To learn more about our EOS and other ways in which you can protect your company from falling prey should the Employee Free Choice Act pass, call us a 329-4241.