

SUMMARY OF EMPLOYEE FREE CHOICE ACT

A. Certifying a Union on the Basis of Signed Authorization Cards

Provides for certification on a union as the exclusive bargaining representative if the National Labor Relations Board (NLRB) finds that a majority of employees in an appropriate unit have signed authorization cards designating the union as the bargaining representative. Requires the NLRB to develop model authorization language and procedures for establishing the authenticity of the cards.

B. Mediation and Arbitration in First Contract Situations

Provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS) for mediation. If the FMCS is unable to bring the parties to agreement after 30 days of mediation, the dispute will be referred to arbitration and the results of the arbitration shall be binding on the parties for two years. Time limits may be extended by mutual agreement of the parties.

C. Stronger Penalties for Violations that Occur During the First Organizational or First Contract Drive

Makes the following new provisions applicable to violations of the National Labor Relations Act (NLRA) committed by employers against employees during any period while employees are attempting to organize a union or negotiate a first contract with the employer:

1. *Mandatory Applications for Injunctions:* Provides that the NLRB is required to seek a federal court injunction against an employer whenever there is reasonable cause to believe that the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees, or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. Authorizes the courts to grant temporary

restraining orders or other appropriate injunctive relief.

2. *Treble Backpay:* Increases the amount an employer is required to pay when an employee is discharged or discriminated against during an organizing campaign or first contract drive to three times backpay.
3. *Civil Penalties:* Provides for civil fines of up to \$20,000 per violation against employers found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract drive.