

Union Organizing/Secret-Ballot Election and Card-Check

Background: The National Labor Relations Act (“NLRA”) gives private sector workers the right to join or form a union and to bargain collectively over wages, hours and working conditions.

Before a union may be acknowledged to represent workers, it must demonstrate that it has the support of a majority of workers in the bargaining unit. The National Labor Relations Board (“NLRB”) oversees the process by which an employer or employees form a union. Historically, the decision as to whether a union will serve as the bargaining representative of a group of employees is made through a secret-ballot election. The secret-ballot method allows for a private, confidential vote by employees, based on the principles of the American system of democracy.

A secret-ballot election may take place if 30 percent of the employees have expressed an interest in conducting an election. Generally, the 30 percent threshold is reached when employees have demonstrated such support through signing union authorization “cards.” Current law allows employers to voluntarily recognize the union, and thus waive the need for a secret-ballot election, when union authorization cards have been signed by a majority of the employees. This is commonly referred to as “card-check” authorization.

Some allege that the card-check method invites the opportunity for coercion, misrepresentation, and fraud. The NLRB and the Supreme Court recognize that the secret-ballot election is most preferred method of ascertaining support for a union.

Status: Legislation is likely to be introduced during the 110th Congress that allow the NLRB to certify a union – and prohibit a secret-ballot election – if presented with signed authorization cards from a majority of employees in support of union certification. Senator Edward Kennedy (D-MA) and Rep. George Miller (D-CA) have introduced legislation, the Employee Free Choice Act, which would prohibit the secret ballot method if a majority of employees have signed authorization cards in support of organizing a union.

PHCC of Nevada Position: PHCC recognizes that both employers and employees have the right to join or form a union and understands that the NLRA and therefore the NLRB is responsible for overseeing the process by which employees/employers form a union.

PHCC supports the existing methods for union certification and is opposed to legislation or regulation that would alter, limit, or restrict current fair processes in union recognition elections. Existing methods to join or form a union should be preserved and protected.

Government Relations Committee Approval:

Board of Directors Approval: Feb. 2, 2009