

Labor Crisis, Inc.

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SIDE NOTES:

- H.R. 243 was referred to the House Committee on Education and Labor on Jan 7, 2009
- Section 10(j) provides interim injunctive relief in cases where the NLRB feels employees rights are being compromised

President Obama was asked recently whether or not his administration would support the passage of the **Employee Free Choice Act** within the first year of his administration. Although he did not answer the question directly, he did say that discussions were underway that could amend current EFCA language, and that all parties seem willing to discuss ideas.

On January 7, 2009, H.R. 243 was introduced by Rep. Raymond Green (D-TX) and referred to the House Committee on Education and Labor. The purpose of this legislation is to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes.

There is concern among some attorneys that the process should not rely solely on wage surveys from a "reasonable geographical area" to determine adequate and fair pay levels during first contract arbitration. For example: What happens in the case of a small subcontractor that pays workers an average of \$11.50 per hour in a market where larger employers pay \$21.00 per hour for a more

IS EFCA DEAD?

advanced skill set?

Past practice has shown that some employers have opted out of providing pay information to neighboring employers for fear that disclosure might compromise its competitive position, or interfere with employee retention.

Concerned parties are also wondering how aggressively the new Secretary of Labor,

somewhere down the road, is there a conflict with Section 10(j), which is intended partly to protect the employees' right to free choice, and EFCA which might erode some of these rights? Nobody really knows how all this will turn out. Meanwhile, employers cannot wait before taking action to protect themselves. Take aggressive action now.

CONTACT LABOR CRISIS, INC.

To obtain assistance in understanding how EFCA might affect your business, or to train your management staff on ways to reduce the risks of unionization or other third party intervention, contact Labor Crisis, Inc. at 214-547-8993, or visit our website at www.laborcrisisinc.com.



Hilda Solis, will direct the activities of the National Labor Relations Board on matters such as utilization of Section 10(j) proceedings? The Section 10(j) program is considered by the government to be an effective way to protect employees' Section 7 rights and the Board's remedial processes.

If EFCA does become law

LABOR CRISIS, INC.
214-547-8993 OFFICE
214-908-7363 MOBILE
jstrong@laborcrisisinc.com