



National Funeral Directors Association
*Informs *Educates *Advocates

2011 POLICY

SIMPLIFIED UNION ORGANIZING RULES

NFDA Position

That NFDA oppose any change to the current federal requirements to establish and certify a labor union

Background

With a declining membership, organized labor lobbied Congress in 2007 for legislation that would relax current federal union organizing rules. Congress responded by introducing H.R. 800, the “Employee Free Choice Act” which passed the House but was not acted on by the Senate. H.R. 800 would have made fundamental changes in how unions are established and certified. Under current law, employees may organize in one of two ways. First, they can petition the National Labor Relations Board (NLRB) for a secret ballot which is conducted and supervised by the NLRB. In the alternative, employees may seek union recognition by submitting 50% plus one authorization cards, indicating support for union representation. This is done after the employer and union seeking representation sign an agreement permitting the union to organize through this type of “card check” campaign. H.R. 800 would have eliminated the federally supervised secret ballot option as well as the employer-union negotiated card check option and replace them with a simple employee card check option. Under the bill, employees could petition the NLRB to organize as a union directly without the permission of the employer provided that a majority of employees agreed and signed cards indicating that was their choice. All the NLRB would be required to do is insure that a majority of employees voted to organize.

Discussion

With the election of President Obama in 2008 and an increase in number of Democrats in both the House and Senate, the bill was again introduced in 2009 with the anticipation of quick passage. Again the business community aggressively opposed the bill and was able to convince conservative democrats not to support its passage. As a result the bill died with the end of the 111th Congress last December. As a result of the 2010 mid-term elections, the House will definitely not support passage of this bill if it is introduced. The Senate Democrat majority has dwindled as well; so it is unlikely to pass that body either. NFDA and the business community in general will continue keep a watchful eye on the situation just to make sure some version of this proposal does not see the light of day.

NFDA Governance History:

2007: Committee Action 1/16/07; Policy Board Action 3/26/07

2008: Committee Action 1/14/08; Policy Board Action 3/10/08

2009: Committee Action 1/29/09; Policy Board Action 3/30/09

2010: Committee Action 1/20/10; Policy Board Action 3/08/10

2011: Committee Action 1/27/11; Policy Board Action 3/09/11

Attest: NFDA Policy Board (original resolution) Date: March 26, 2007 File Code: RES085/Policybd

|

|