LABOR POLICY AND UNIONIZATION

NMHC/NAA Viewpoint

NMHC/NAA strongly oppose regulatory and legislative actions that disproportionately favor unions above the interests of employees and businesses.

As private-sector union membership has decreased to single digits, unions have vigorously pursued legislation and regulatory remedies to revive their political influence and bolster financial resources. The most widely known effort is the proposed Employee Free Choice Act (EFCA), also known as the "card check" bill.

The legislation sought to limit the use of secret ballots in union elections in favor of a "card check" process that not only is vulnerable to fraud and coercion but also compromises employee independence. The EFCA would have also accelerated collective bargaining negotiations and imposed one-sided penalties on employers. The EFCA was a top priority for unions following President Obama's 2008 election. However, the Republican takeover of the U.S. House of Representatives in 2011 stalled the legislation.

Labor and its allies have since sought to achieve some of the same goals of the failed EFCA, namely to facilitate unionization, through the regulatory process. The National Labor Relations Board (NLRB) has issued several regulations seeking to modify the rules for union-organizing campaigns, but legal challenges prevented their implementation.

Unions increasingly persuade businesses to "voluntarily" recognize them by showing majority employee support with authorization cards.

Federal courts blocked regulations that would have accelerated the process for determining union representation. NLRB rules could have reduced the current timeframe for unionizing from 30 days to as little as 10 days, depriving an employer of its opportunity to communicate with employees and resolve important legal issues in advance of an election.

The courts also prevented implementation of NLRB's "poster rule," a new requirement that employers post a detailed and arguably biased notice about unionization rights.

These regulations and other pro-union actions by NLRB could still be implemented, if the requisite quorum of NLRB members' votes to approve them or the court decisions putting them on hold are overturned.

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