

NATIONAL LABOR RELATIONS ACT VS. EMPLOYEE FREE CHOICE ACT

NLRA	EFCA
Secret ballot election triggered by petition filing	Employer must recognize union without secret ballot election if 50%+1 sign union card
Petitions requires "showing of interest"	"Card check" arrangement
Employers can tell employees facts about unions	Union organizing can occur without employer knowledge
Employers can give opinion about unions	Employers may never have chance to tell employees why union is not in employees' best interest
Employers can share experiences with unions	Employers not allowed to hold mandatory meetings about unions
Requires parties to bargain "in good faith" to reach a contract	Employer must start bargaining within 10 days after union request
Only required to "meet and confer"	If the parties do not reach a contract within 90 days, either party may request federal mediator
Does not require successful negotiations outcome or dictate contract terms	If no contract reached after 30 days, arbitrator decides employees' pay and benefits for 2 years
If no contract reached, union can strike or use other economic means	No right to strike if employees do not like contract
If a contract not reached, employer can implement last offer or lock out employees	If contract not reached, government arbitrator decides; no process to terminate arbitration
Penalties include back pay only	Penalties can include backpay x 3 plus civil penalties up to \$20K for each ULP during organizing drive
No penalties on unions for restraining or coercing employees during card solicitation or contract negotiations	No penalties on unions for restraining or coercing employees during card solicitation or contract negotiations