

# Card Check Compromise Likely

## Opposition Grows For Union-Backed Bill

Support for the Employee Free Choice Act (EFCA)—the union-backed legislation that loomed over the legislative landscape at the start of the Obama administration—appears to be waning. Momentum for a potential compromise on the measure began in March when Sen. Arlen Specter (D-Pa.) withdrew his support for the bill prior to switching political parties in April.

Despite Specter's change from Republican to Democrat, he has maintained his stand against the bill and suggested recently that he believed a compromise on the measure was likely to pass this year.

In a recent interview with the Associated Press, Specter explained his position: "As you know, I'm on record as favoring labor law reform for a long time. I chaired the appropriations subcommittee and saw how dysfunctional the [National Labor Relations Board] was. I've acknowledged jobs being sent overseas, problems on pension and health care, but nonetheless I know employees' choice is big and, as I say, I'm working on it."

Although Specter acknowledged that EFCA "is a big issue," he said he had recently met with "a number of labor leaders, talking to the senators about it, and I'm hard at work to try to find some way to find an answer."

Specter would not discuss details about a possible compromise, but Sen. Tom Harkin (D-Iowa), a long-time supporter of the bill, is working with Specter and others to come up with a more palatable version for the Republicans. "I am actively talking to senators who have expressed reservations about the bill," he told a group of faith lead-

ers. Noting that he always expected to make changes and tweaks to the bill, Harkin outlined three "core principles" that the compromise will maintain: "Giving workers real freedom to choose a union, ensuring that workers who organize will get a first contract, and providing meaningful penalties for repeated violations of workers' rights."

This would be disruptive to the workplace and give unions an unfair advantage," the letter said.

The quickie election would provide for a seven-day election process, giving unions months to campaign and leaving employers a much smaller window in which to present the "potential downsides to unionization," the letter said.

If enacted, the legislation would allow union certification without an election when the majority of workers in a collective bargaining unit had signed union authorization cards. Under current law, a union must gather signatures from 30 percent of a unit's workers to move to an election. EFCA,

also known as the "card check" bill, would allow unions to dispense with the election.

Specter and other senators have indicated that a satisfactory final bill is likely to go straight to the floor of the Senate and bypass the committee process, according to sources.

"Now, some folks have been crowing that they have killed EFCA," Harkin said. "Well, to paraphrase Mark Twain, the reports of EFCA's demise are greatly exaggerated!"

—Meg LaPorte and Lynn Wagner

I know employees' choice is big and, as I say, I'm working on it.'

—Sen. Arlen Specter



But according to the Coalition for a Democratic Workplace, a group of 580 organizations opposed to the bill, the two issues under consideration as part of a compromise are "workplace access and so-called quickie elections."

The coalition, which includes the American Health Care Association, sent a letter to the Senate decrying EFCA and any compromises. "Let us be clear and frank on this matter," said the coalition letter. "There can be no acceptable 'compromise' on any issue of labor law reform due to the very real threat posed by EFCA."

Both of the initiatives "purport to expedite the organizing process when in reality they sacrifice the rights of employees for the wants of professional union organizers, much like EFCA does," the coalition said in the letter.

Workplace access would give "non-employee, professional union organizers the right to enter a workplace during work hours to solicit support during a union organizing campaign.

### CORRECTION:

In last month's 2009 ranking of the Top 50 Nursing Facility Chains, Chicago-based Alden Management Services, ranked No. 22, was listed as having 78 facilities. The correct number of facilities owned or managed by Alden is 32. The correction does not change Alden's ranking, which is based on bed count.