

NASCO

National Association of Security Companies



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NASCO Position Paper: Employee Free Choice Act (EFCA)

EFCA makes radical and fundamental changes to current labor law in regards to union organizing and contract negotiations. First, EFCA mandates certification by the National Labor Relations Board (NLRB) of a union as the exclusive bargaining representative for a group of employees if a majority of those employees have signed authorization cards (“card check”). This provision will eliminate secret ballot elections and force employees to state their position publicly on union membership.

Second, EFCA authorizes binding federal arbitration to set the terms of an initial two year contract between an employer and a bargaining unit if the two sides are unable to reach an agreement after 120 days. This will allow a disinterested government arbitration panel to set employment terms and other operating condition for a company and its employees.

While some NASCO member companies recognize unions and are parties to collective bargaining agreements, NASCO is strongly opposed to EFCA. EFCA undermines mutually beneficial core American values of freedom of choice and freedom of contract that have been enshrined in the employer/employee relationship for decades. The secret ballot election, unlike card check, is a fair process that includes all employees, provides for more information, and most importantly, allows each employee to make his or her decision in private and free from all coercion. The secret ballot election has been proven to be a much more reliable measure of an employee’s understanding and intent on unionization, and it should not be denigrated.

NASCO further opposes EFCA’s mandatory binding arbitration provision as it will create a situation where neither side is motivated to bargain in good faith. Potential compromises will be deterred in anticipation of the arbitration. Moreover, NASCO does not support having contract terms set by a third party who, without working knowledge of a business and its employees, can negatively impact a company’s ability to conduct its business and stay competitive. EFCA will hurt both the employer and its employees.