



Tracking the Employee Free Choice Act

October, 2009 Update

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EFCA of 2007	Passed the House of Representatives in February, 2007. Did not have enough votes to get out of Senate. Pres. Bush promised to veto.
January, 2009	Pres. Obama takes office and vows to support the EFCA.
February 25, 2009	Secret Ballot Protection Act introduced in Congress. Senate bill has 16 original sponsors (all Republican), and House bill has over 100 co-sponsors. Amends the NLRA to make it an unfair labor practice for an employer to recognize or bargain with a union which was not elected by a majority of employees through a secret ballot NLRB election.
March 5, 2009	National Labor Relations Modernization Act introduced as "compromise legislation" which would only apply to employers with 20 or more employees and would not eliminate the secret ballot election. Would also require interest arbitration if agreement is not reached within 120 days. Also provides unions with greater access to employees before an election.
March 10, 2009	EFCA introduced in Congress. Pres. Obama promises to sign when presented to him.
March 24, 2009	Sen. Arlen Specter, R-Pa. announces he opposes the EFCA. In 2007, Sen. Specter was the only Republican senator to support the EFCA. Sen. Specter's announcement that he no longer supports the EFCA means that there is no longer sufficient number of votes in the Senate to end the debate and bring the bill to a vote.
April 1, 2009	Sen. Dianne Feinstein, D-Calif. announces she is withdrawing support of EFCA. Sen. Nelson, D-Neb. and Sen. Lincoln, D-Ark. also withdraw support.
April 28, 2009	Sen. Specter announces he will run in 2010 primary as a Democrat. Announces that his position on EFCA remains unchanged.
May 14, 2009	President Obama acknowledges that there is not enough support to pass the current EFCA but feels compromise legislation will pass.
May 16, 2009	Sen. Specter is shopping two pieces of "compromise" legislation that would include a mail in ballot election and would require arbitration only in the event the union and employer fail to reach agreement on their last and best offer.
July 16, 2009	"Compromise" legislation drops the card check provision but requires shorter union campaign periods and faster elections.
August 28, 2009	Senator Harry Reid (D-NV) stated that the Senate has "too many other things on our plate" to bring EFCA to a vote in 2009.
September 5, 2009	According to the New York Times, AFL-CIO President John Sweeney is willing to accept faster elections and drop the card check requirement so long as the bill passes. Mr. Sweeney also stated that President Obama has promised unions that as soon as health care legislation is passed, or if it is passed, he would work to pass the EFCA.
September 17, 2009	Senator Specter (D-PA) predicted the EFCA "compromise" will pass this year, however, other Democratic Senators state there have been no formal discussions regarding the bill.

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