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# Special Report for HR Professionals

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## EMPLOYEE FREE CHOICE ACT MAY GET GREEN LIGHT FROM NEW CONGRESS

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On Friday, December 19, 2008, President-Elect Obama introduced his choice for Secretary of Labor in his upcoming administration. He introduced Hilda L. Solis, currently the Representative to Congress from California's 32<sup>nd</sup> Congressional District. A Democrat, she stepped to the dais and said, "I am humbled and honored. As Secretary of Labor, I will work to strengthen our unions."

That should be a clear signal to employers everywhere in the country that Rep. Solis will be putting her weight behind the *Employee Free Choice Act* early in the Administration's agenda implementation. There is a version in the House of Representatives (HR 800) and another in the Senate (S 1041). In key provisions, they are the same. When the 111<sup>th</sup> Congress comes to order in January, both bills are likely to be submitted again, high on the list of Democratic priorities. Mr. Obama has said he will sign the bill into law if Congress sends it to his desk.

Today, union organizing efforts follow rules laid down by the National Labor Relations Board (NLRB). One of the rules is that there must be a secret ballot election among eligible employees to determine if a union will be selected to represent the workers. A majority rules. Half plus one is enough to win that election. Prior to the vote, however, rules call for the union wishing to represent the employee group to ask workers to sign "show of interest cards" indicating there is enough support to warrant the expense of an election. During the period prior to the vote, both union and employer have the opportunity to present their viewpoints to workers, trying to win their vote, as in any other political election.

*The Employee Free Choice Act* will eliminate the voting step entirely. When that goes, so does the opportunity for the employer to present its case to workers. All that will be left is the need for the union to gather signatures on "show of interest cards" in a quantity that equals half plus one of the eligible workers. Under current proposals, that could be done covertly if the union wished to avoid public and employer scrutiny.

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### Who Will Be Affected?

Any employer that is not now involved with unions could find itself the target of these new organizing efforts. Some industries are already used to working with Unions representing their workers. Those include healthcare, heavy manufacturing, telecommunications, transportation, retail, education, and many others. That isn't to say all workers in those industries are represented by Unions. They aren't. And, those that are not will be active targets for Union organizing should the new law come to pass.

Industries that have avoided unionization efforts to a great extent include high technology, bio technology, and finance/banking. These will be the new targets for organizing efforts.

### Why Should Employers Be Interested?

Unions were "invented" originally to combat the likes of Ebenezer Scrooge. It should come as no surprise that there are still employers in this country who are abusing workers with extraordinarily bad management practices. It is these employers who should expect the upcoming organizing efforts to start in their organizations.

Any company that has had to downsize its workforce, freeze or reduce wages or bonus allotments, change its healthcare benefit package, or modify its retirement plan will also be a fertile target for Union organizing activities.

Human Resource Professionals must be alert to any changes in the workforce that will cause dissatisfaction. If Union promises of corrective action and protection sound like life savers to your employees you may find yourself dealing with a Union in the future. For many employers, it is already too late. They have engrained cultures that disrespect workers, use them like reams of paper and toner cartridges, then throw them in the dust bin when fully consumed and no longer valuable.

If you value people as much as your CEO's annual report statement says you do, then you will have a solid program of management skills training, mentoring and development programs and methods for assuring disciplinary actions are applied uniformly throughout the organization. If you break one link in that chain of "good management practices" you may find yourself hearing about union organizing only when the "show of interest cards" are presented as the *fait accompli* and you will then have to bargain with workers through their Union.

"Good" employers, those that make the list of best places to work, will be striving each day to earn and retain the trust of their employees. There is no stronger reason to ask for union representation than a feeling of helplessness. Someone who feels his or her contributions don't matter, that their opinion doesn't count, and that their personal needs have no place in workplace decisions will usually ask for Union help out of frustration with the workplace environment. And, that may just be a lot easier for them to do in the future.

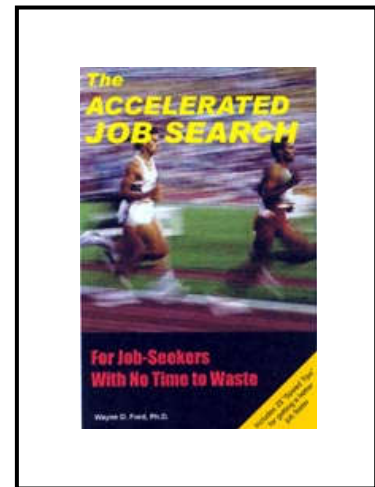
In hard economic times, when people are losing their jobs and taking pay cuts, unions appear to be very attractive.

## The Accelerated Job Search

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<http://www.management-advantage.com/products/jobsearch.htm>



## POTPOURRI

### **New I-9 Form Required Beginning February 2, 2009**

The U.S. Citizenship and Immigration Service (USCIS) has issued final regulations (<http://edocket.access.gpo.gov/2008/E8-29874.htm>) that will require a new I-9 Form as of that date. But... They haven't issued the form yet. A sample form has been posted on the web but the final version is yet to come. The new form will prohibit use of any expired verifying document, and will allow use of SOME foreign passports with electronic VISAs that meet specific requirements. Keep your eye on the USCIS web site. <http://uscis.gov>

### **Free Book Light Available as Thank You Gift**

While supplies last, the HR Web Store.com is offering a Free LED Book Light if you purchase \$30.00 or more. One light per customer, please. <http://www.management-advantage.com/products/products.htm>



### **Compliance Posters Now Shipping with FMLA Updates**

It was a long time in coming but the FMLA poster changes have been released by the government. They are now incorporated in our All-On-One compliance posters and in the 11 states that have made minimum wage changes for 2009, those updates are also included in the new All-On-One posters. Order yours today so you can remain in compliance. <http://www.management-advantage.com/products/posters.htm>

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## NEW EEO PUBLICATION RELEASED

At the end of December, Biddle Consulting Group, Inc. released the first issue of its new professional journal on issues involved with equal employment opportunity, affirmative action and diversity. It will be published quarterly and is currently free to anyone who registers their subscription on-line.

Articles in Volume 1, Issue 1 include:

- ♦ The EEOC, OFCCP, and "Systemic Discrimination": The Rules Have Changed
- ♦ Where are the Courts Today? Proving and Defending Against an "Adverse Impact" Claim: OFCCP'S New Approach to Employer Selection Systems
- ♦ Five Steps to Successful AAP Goal Development
- ♦ Diversifying Your Organization: How to Actually Make it Happen
- ♦ Claims of Employment Test Validity: Who Can You Trust?

Download your PDF copy of this 50-page journal issue: [http://www.eeoinight.com/PDFs/EEOInsight\\_Vol1-Issue1.pdf](http://www.eeoinight.com/PDFs/EEOInsight_Vol1-Issue1.pdf) Subscriptions can be registered at <http://www.eeoinight.com/subscribe.html>

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