



The HR Mentor

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Employee Free Choice Act (EFCA)

We are hearing a lot about the Employee Free Choice Act now. According to the Congressional Research Service (CSR), EFCA is titled as: A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes.

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Newsletter Spotlight

- Employee Free Choice Act
- Current Legislation
- Training Tips

To sign-up for our monthly newsletter go to www.newfaceofhr.com/links

Bills in Congress: Keeping track of legislature that affects your workplace

Although EFCA is the most sweeping legislation being considered, there are other bills in congress that may affect our workplace. My purpose today is to provide you with a couple of websites that you might want to browse that will give you quick summaries of the bills before the House of Representatives and the Senate.

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Training: The Answer is...

There are four elements of learning that must be addressed to ensure that participants learn.

Motivation, Reinforcement, Retention, Transference

I'm always looking for a way to energize the class when training. I found this idea at a Christmas party and it worked great! Not only will it reinforce the material and assist in retention, but the laughter and enjoyment is a tremendous way to end the seminar.



Let's play Jeopardy

As you are preparing your class materials, list questions/answers that reinforce the message. You will need a total of 25 items to populate your game. Choose 5 areas of interest and 5 levels of difficulty

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Questions or comments? E-mail us at patgodfrey@thenewfaceofhr.com or call 314/607-5329.



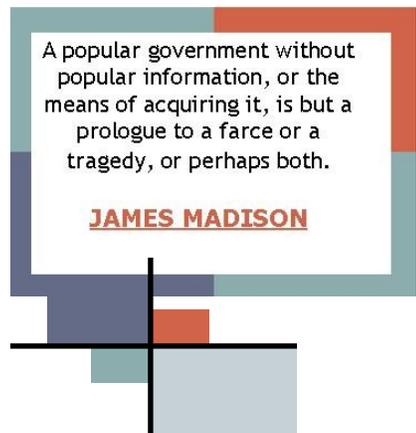
Employee Free Choice Act (continued)

Let's look at this bill a bit closer.

The wording...	What the wording means to business...
<p>A bill to amend the National Labor Relations Act to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations</p>	<p>This version of "efficient" eliminates any Free Choice employees have to become union members.</p> <ul style="list-style-type: none"> • 50% minus 1 employee may have no knowledge of organizing attempt. • Employees are not given a chance to learn <ul style="list-style-type: none"> • what signing the card will mean. • what union promises will be guaranteed (<i>NONE!</i>) • what their dues will be buying them or that they will have to pay dues even if they do not join the union.
<p>to provide for mandatory injunctions for unfair labor practices during the organizing efforts</p>	<p>Fines and Penalties include...</p> <ul style="list-style-type: none"> • To Company <ul style="list-style-type: none"> • Up to \$20,000 for each ULP • Triple Damages for back-pay awards • To Union <ul style="list-style-type: none"> • No fines added for Unions that violate the law
<p>and for other purposes.</p>	<p>And the other purposes are...</p> <ul style="list-style-type: none"> • Bargaining starts in 10 days • Company must choose a bargaining committee, develop negotiating strategy, bargaining items, and more • Company and Union are given 90-days for negotiations. • Mediator is given 30-days to mediate a contract • Arbitration Board will write the contract that will be in effect for the next 2-years. • By law an arbitrator is a disinterested 3rd party. They know nothing of the union issues or the company history. • Most arbitrators are part-time retired lawyers or professors that, as an arbitrator, have never written contract language.

Affects on the Company are many

The check-card will make it much easier for unions to organize enough workers to force a negotiated contract. Companies will not have the opportunity to give employees information that will help them in deciding on whether or not they want to be represented by a 3rd party. James Madison said, "A popular government without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both." Your employees need the means to acquire information that will affect their workplace. The unions can tell employees whatever they feel will get them to sign a card but do not have to deliver on their promises. The unions already look for every reason to call an action an Unfair Labor Practice. Although unions are notorious for this, the bill doesn't address fines for the unions, only the companies. The fines suggested are high.



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Employee Free Choice Act (continued)

Adding cost to your bottom line

Research indicates that the cost of business is 25% to 30% higher in a union organization. There are costs considerations such as the time consumed by and maybe additional staff to handle union negotiations, arbitrations, penalties and administrative costs to monitor labor contract compliance. When employees are out doing union work, there is the cost of labor to replace them.

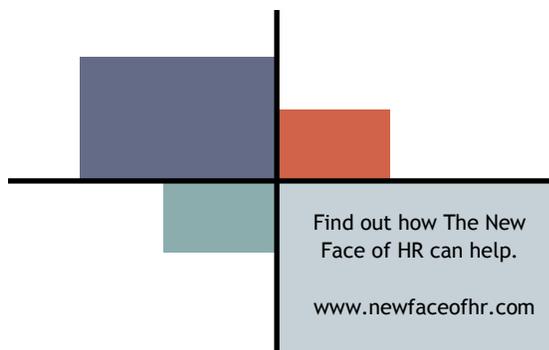
There are also costs that are not as easy to calculate. There are rules around almost everything and some things that make a positive difference to the business and to the employees have to wait and be negotiated. There is much less flexibility on the part of everyone when a labor contract must be followed. When unions organize a workplace the workers are told whatever it takes to get them to side against the company. Promoting the best and the brightest is often difficult because of contract rules. If a strike or union action creates a production slow-down or closing, you also risk losing customers that would rather not deal with Strikes or Picket lines, reduced quality or possibly becoming a target or organization themselves. Lost customers translates into lost revenue and eventually lost jobs. No one wins in that situation.

Start Communications Now

You have two distinct types of communication that needs to be out there.

First and most important is your first-line supervisory communications. Supervisors need to realize that they are the face of the company and the face of management. What they do, how they do it, is critical if you are to remain union free.

In addition, from the day they are hired you need to communicate to your employees why you believe a work relationship through a 3rd party is not beneficial. Let them know that you want to work with them on issues that arise. Of course, once committed you must follow through with continually working on the employer/employee relationship.



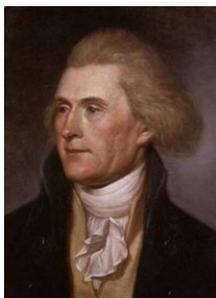
Find out how The New Face of HR can help.
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Bills in Congress: Keeping track of legislature that affects your workplace (continued)

The Library of Congress THOMAS
<http://thomas.loc.gov/>

In the spirit of Thomas Jefferson, legislative information from the Library of Congress, THOMAS was launched in January of 1995, at the inception of the 104th Congress. The leadership of the 104th Congress directed the Library of Congress to make federal legislative information freely available to the public. THOMAS now provides information on: Bills, Resolutions, Activity in Congress, Congressional Record, Schedules, Calendars, Committee Information, Presidential Nominations, Treaties, Government Resources, and for Teachers.



Thomas Jefferson
U.S. State Department of the Historian

Govtrack.us: A Civic project to track congress
<http://www.govtrack.us/>

According to their website GovTrack.us helps you keep tabs on the U.S. Congress --- This is an innovative clone of THOMAS. GovTrack is not affiliated with the U.S. government; it is non-commercial, non-partisan, and an open source project. I like the website because you can set trackers that will alert you when a change has been made on a particular piece of legislation you are watching. They also have items categorized so you can sift through information quickly to see what has been introduced.

Govtrack uses the summaries from the Congressional Research Service (CRS). CRS serves shared staff to congressional committees and Members of Congress. CRS experts assist at every stage of the legislative process – from the early considerations that precede bill drafting, through committee hearings and floor debate, to the oversight of enacted laws and various agency activities.



Congressional Research Service Summaries

H.R. 933: Family-Friendly Workplace Act

To amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector. 2/10/2009--Introduced.

Family-Friendly Workplace Act - Amends the Fair Labor Standards Act of 1938 to authorize private employers to provide compensatory time off to private employees at a rate of 1 1/2 hours per hour of employment for which overtime compensation is required. Authorizes an employer to provide compensatory time only if it is in accordance with an applicable collective bargaining agreement or, in the absence of such an agreement, an agreement between the employer and employee.

Prohibits an employee from accruing more than 160 hours of compensatory time. Requires an employer to provide monetary compensation, after the end of a calendar year, for any unused compensatory time off accrued during the preceding year.

Requires an employer to give employees 30-day notice before discontinuing compensatory time off.

Prohibits an employer from intimidating, threatening, or coercing an employee in order to: (1) interfere with the employee's right to request or not to request compensatory time off



in lieu of payment of monetary overtime compensation; or (2) require an employee to use such compensatory time.

Makes an employer who violates such requirements liable to the affected employee in the

amount of the compensation rate for each hour of compensatory time accrued, plus an additional equal amount as liquidated damages, reduced for each hour of compensatory time used. Requires federal agency coordination with the Secretary in carrying out such program.

Bills in Congress: Keeping track of legislature that affects your workplace (continued)

H.R. 1176: Secret Ballot Protection Act

To amend the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.

2/25/2009--Introduced.

Secret Ballot Protection Act - Amends the National Labor Relations Act to make it an unfair labor practice for: (1) an employer to recognize or bargain collectively with a labor organization that has not been selected by a majority of the employees in a secret ballot election conducted by the National Labor Relations Board; and (2) a labor organization to cause or attempt to cause an employer to recognize or bargain collectively with a representative that has not been selected in such manner.



H.R. 77: Health Care Incentive Act

To provide for a credit for certain health care benefits in determining the minimum wage.

1/6/2009--Introduced.

Health Care Incentive Act - Directs the Secretary of Labor to allow any employer in interstate commerce that is required by federal or state law to pay a minimum wage rate higher than the current federal rate under the Fair Labor Standards Act of 1938 to include the value of creditable health care benefits in determining the required wage.



H.R. 243: Labor Relations First Contract Negotiations Act of 2009

To amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes.

1/7/2009--Introduced.

Labor Relations First Contract Negotiations Act of 2009 - Amends the National Labor Relations Act to require mediation and, if necessary, binding arbitration of initial contract negotiation disputes.

H.R. 810: To amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the value of...

To amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the value of the service not performed during the period employees are performing service as members of the Ready Reserve or the National Guard.

2/3/2009--Introduced.

Amends the Internal Revenue Code to provide employers a business tax credit for up to ten percent of compensation not paid to their employees who were members of the Ready Reserve or National Guard absent from work to perform active duty. Limits such credit to \$2,000 for any one Ready Reserve-National Guard employee per year.

This is only a sampling
of the information
available to you.

Be sure to visit the sites
mentioned.

Training: The Answer is... (continued)

for each area. Make sure your links work and you are ready to go.

You will find Jeopardy game systems for sale but they can run up to \$450. If you have an assistant to run the PowerPoint for you, it is easy to just choose the first hand up and add the points on your whiteboard. It's also a lot of fun if, instead of noting points earned, you hand out Mardi-Gras beads. Count the beads up at the end for your winner. Without realizing it everyone hears 25 messages again helping to reinforce and retain each message.

There is a bit of work involved in setting your game up but it is well worth the trouble and this link will give you a blank PowerPoint template and instructions. (Blank template is at the bottom of the page) http://www.hardin.k12.ky.us/res_techn/countyJeopardygames.htm Offer to send the PowerPoint to the participants for use in their meetings. You will have as much fun with this as your class does.

Both the United Food and Commercial Workers and Teamster's unions are ramping up organizing efforts now - in response to the Employee Free Choice Act. Because of President Obama's support, this pending legislation is expected to be approved by later this year."

(source WSJ, April 17, 2009)

HR Gauging

Our H.R. Gauging program will open up new possibilities for understanding your Company by measuring employee engagement, employee issues and Supervisor/Manager commitment. As business grows and expands so does the need for Human Resources expertise.

The New Face of HR Consultants have over 15 years of experience in gauging the climate of the workplace. Our in-depth, confidential interviews combined with our experience in improving workplaces will give you an accurate and insightful picture of your workplace.

If we can be of assistance, please call us.



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