

Thursday, March 1, 2007

House Meets At...	Votes Predicted At...
10:00 a.m. for Legislative Business	Last Vote: 3:00-4:00 p.m.
5 "One-Minutes" per side	

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H.Res. 203- Rule to provide for consideration of H.R. 800- Employee Free Choice Act (Rules):** The structured rule provides for one hour of general debate on the bill, equally divided and controlled by the Chairman and Ranking Minority Member of the Committee on Education and Labor. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those [amendments printed in the Rules Committee report](#) accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report except for clause 10 of Rule XXI. Finally, the rule provides one motion to recommit with or without instructions. Debate on the Rule will be managed by Rep. Sutton and will proceed in the following order:
 - One hour of debate on the Rule.
 - Possible vote on the Democratic motion to move the previous question. **Democrats are urged to vote YES.**
 - Vote on adoption of the Rule. **Democrats are urged to vote YES.**

- **H.R. 800-Employee Free Choice Act:** Next the House will consider H.R. 800. The bill will be managed by Education and Labor Chair George Miller or his designee and consideration will proceed in the following order:
 - One hour of general debate on the bill.
 - Debate and votes on amendments considered under the rule. **Democrats are urged to vote NO on the Republican poison-pill amendments.**
 - Possible debate and vote on Republican motion to recommit the bill. **Democrats are urged to vote NO on the Republican motion to recommit.**
 - Vote on final passage of the bill. **Democrats are urged to vote YES on final passage.**

Bill Summary and Key Issues

Anticipated Amendments to H.R. 800, Employee Free Choice Act:

Democrats are urged to oppose all amendments

The following [amendments](#), which are listed in the [Rules Committee report](#) accompanying the resolution, are made in order under the rule:

King, Steve (IA) #14: Discriminatory hiring amendment. This amendment would allow employers to discriminate against a job applicant because the applicant supports a union. (10 minutes) **Democrats are urged to VOTE NO**

Foxx (NC) #7: Labor gag rule. This amendment would prevent legitimate communications between unions and workers under the guise of a “do not communicate” list. (10 minutes) **Democrats are urged to VOTE NO**

McKeon (CA) #4: Amendment in the Nature of a Substitute. The amendment prohibits voluntary majority sign-up agreements. This amendment would outlaw voluntary majority sign-up agreements, like at Cingular Wireless and Kaiser Health, used today by many workers organizing unions, and instead would force all workers through the broken, undemocratic NLRB election process. This amendment in the nature of a substitute would strike the underlying text and insert in its place the text of H.R. 866, the so-called Secret Ballot Protection Act. (30 minutes) **Democrats are urged to VOTE NO**

H.R. 800, Employee Free Choice Act:

Certification on the Basis of Signed Authorizations (majority sign-up):

Provides for certification of a union as the bargaining representative if the National Labor Relations Board finds that a majority of employees in an appropriate unit has signed authorizations designating the union as its bargaining representative. Requires the Board to develop model authorization language

and procedures for establishing the validity of signed authorizations. *Under current law, employers can require unions to go through one-sided, time-consuming elections as a condition of being certified as bargaining representatives. Such elections become the focal point of employer efforts to frustrate the right of workers to organize.*

First Contract Mediation and Arbitration: Provides that if an employer and a union are engaged in bargaining for their first contract and are unable to reach agreement within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service (FMCS) for mediation. If the FMCS has been unable to bring the parties to agreement after 30 days of mediation the dispute will be referred to arbitration and the results of the arbitration shall be binding on the parties for two years. Time limits may be extended by mutual agreement of the parties. *Under current law, employers have a duty to bargain in good faith, but are under no obligation to reach agreement. As a result, a recent study found that 34% of union election victories had not resulted in a first contract.*

Stronger Penalties for Violations While Employees are Attempting to Organize or Obtain a First Contract: Makes the following new provisions applicable to violations of the National Labor Relations Act committed by employers against employees during any period while employees are attempting to organize a union or negotiate a first contract with the employer:

- **Mandatory Applications for Injunctions:** Provides that just as the NLRB is required to seek a federal court injunction against a union whenever there is reasonable cause to believe that the union has violated the secondary boycott prohibitions in the Act, the NLRB must seek a federal court injunction against an employer whenever there is reasonable cause to believe that the employer has discharged or discriminated against employees, threatened to discharge or discriminate against employees, or engaged in conduct that significantly interferes with employee rights during an organizing or first contract drive. Authorizes the courts to grant temporary restraining orders or other appropriate injunctive relief.
- **Treble Backpay:** Increases the amount an employer is required to pay when an employee is discharged or discriminated against during an organizing campaign or first contract drive to three times back pay.
- **Civil Penalties:** Provides for civil fines of up to \$20,000 per violation against employers found to have willfully or repeatedly violated employees' rights during an organizing campaign or first contract drive.

Under current law, remedies are limited solely to “make whole” remedies: back pay (minus any additional interim wages the employee did or should have earned), reinstatement, and notice to that the employer will not engage in violations of the NLRA. Many employers conclude that, even if caught, it is financially advantageous to violate the law and pay the penalties rather than to comply.

- **For statements of support and a list of organizations supporting H.R. 800 posted on the Education and Labor Committee’s website, please use the following link:**

http://edlabor.house.gov/micro/efca_supporters.shtml

Quote of the Day

“Only a fool would try to deprive working men and working women of their right to join the union of their choice.”—Dwight D. Eisenhower

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