



International Council of Shopping Centers

AUGUST RECESS TALKING POINTS

CARD CHECK

The Employee Free Choice Act (a.k.a. card check) continues to be a top priority for labor union leaders. Recently, rumors of compromise language have been discussed; however, fatal flaws remain in the circulated proposals. Workplace access and binding arbitration remain top concerns for ICSC. There are also significant concerns that a scheme exploiting the Senate rules process will be used to amend the bill away from a negotiated alternative on the Senate floor.

- Union access to the workplace is a critical concern to the shopping center industry.
 - Based on years of experience in cultivating the ideal shopping environment, the industry is concerned that union organizing activity will be disruptive for customers.
 - Shoppers have a low tolerance for disruptions in their shopping environment. Union organizing activity in the workplace would result in them avoiding locations with such activity, negatively impacting sales.
- Binding Arbitration is bad for both business and employees.
 - As the bill is currently written, there is no opportunity for either the employer or employees to appeal an arbitrator's decision.
 - The contract established by the government arbitrator would install inflexible rules for two years, preventing businesses from responding to competition or other changes in the environment. Nothing in EFCA protects employees or the employer if the arbitrator's decision forces the company out of business.
 - "Final Offer" arbitration has been discussed as a compromise. In this case, the government arbitrator may only adopt one party's final offer in total rather than trying to fashion something that bridges the differences between the parties.
- "Quickie" elections would impose a limited timeframe to complete a secret ballot election
 - A short time table can virtually eliminate an employers' ability to provide employees with adequate information about the union or respond to the union's comments.
 - Such a scheme allows professional union organizers to "campaign" for months, while providing employees with limited – if any - time to hear from their employer about potential downsides to unionization.
 - The decision to join a union will have long-term impacts on workers lives. Employees should be able to make informed, as well as private, decisions about this important issue. Hearing from just one side denies them that information.
 - Presently, the average time taken to complete a secret ballot election is 39 days, and 94% of elections are completed within 56 days.