

## Labor and Employment E-news

June 17, 2009

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### EFCA Debate Continues, and The Prospects For EFCA's Enactment Remain Uncertain

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After the election of President Obama and a more heavily Democratic Congress, labor unions expected and employers were concerned that the Employee Free Choice Act would be one of the first major laws enacted under the Obama Administration, perhaps even in the first 100 days of the new administration. But EFCA has not yet been enacted, and, in fact, it is stalled in the Senate. Republican Senators remain united against EFCA, and a number of Democratic Senators have reservations about EFCA's proposed mandatory card check recognition feature, its mandatory arbitration for first collective bargaining agreements, or both. Negotiations to develop a compromise version of EFCA that 60 Senators would support are ongoing and evidently are intensifying. A leading pro-EFCA Senator, Tom Harkin (D-IA), has publicly stated that he expects to have a compromise proposal in July. Whether the negotiations will result in a compromise either by July or at any time, however, remains uncertain. The future of EFCA or an EFCA compromise may be determined this summer.

Butzel Long has an EFCA Updates section on its website [www.butzel.com](http://www.butzel.com). The EFCA Updates have provided news and analysis about EFCA since the legislation was introduced in Congress in March 2009. Butzel Long will continue to post EFCA Updates as further EFCA developments occur.

Butzel Long is hosting an Employee Free Choice Act Briefing on Friday, June 26, 2009 at its Bloomfield Hills office. For full details and registration information, please visit [http://www.butzel.com/evcur.cfm?E\\_ID=166&ET\\_ID=1](http://www.butzel.com/evcur.cfm?E_ID=166&ET_ID=1).

If you have any questions regarding the information contained in this E-news bulletin, please contact your Butzel Long attorney or a member of our Labor and Employment Practice Group:

**Butzel Long Labor and Employment Practice Group  
EFCA Team**

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