



## NLRB Sets Window for Decertification

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WASHINGTON (AP) — Employees who don't want to be unionized have 45 days to build up support for a government-monitored decertification vote even if a company agrees to a card check campaign and the union wins, the National Labor Relations Board said Tuesday.

In a 3-2 vote, the NLRB decided to give anti-union employees a chance to object to unionization and demand a secret ballot election even if the company agreed to a card check campaign on formation of a union.

Employers have the right to demand a secret ballot election when their workers seek to organize a union. But in some cases, the company agrees to recognize a union as soon as a majority of workers at a plant sign cards authorizing the union's representation.

Previous NLRB policy was that decertification petitions were banned for a "reasonable" amount of time if a company voluntarily agreed to a card check process.

However, "we conclude that the current recognition bar doctrine should be modified to provide greater protection for employees' statutory right of free choice," said NLRB chair Robert J. Battista and members Peter Carey Schaumber and Peter N. Kirsanow in the Sept. 29 decision.

If anti-union employees can get 30 percent of eligible employees to sign a petition within 45 days, an NLRB secret-ballot election will take place, the decision said.

"This is an encouraging step forward for employee freedom," said Stefan Gleason, vice president of the National Right to Work Foundation.

National Right to Work Legal Defense Foundation lawyers challenged the card-check system for workers at two auto parts suppliers, Dana Corp., an Ohio auto parts maker and Metaldyne Corp., of Plymouth, Mich., who were organized by the United Auto Workers.

The NLRB, however, said its decision would only apply to future card check campaigns, leaving the Dana Corp. and Metaldyne Corp. employees as members of the UAW.

The board's decision will make it less likely that a company will voluntarily agree to a card-check campaign, said NLRB members Dennis P. Walsh and Wilma B. Liebman.

"An employer has little incentive to recognize a union voluntarily if it knows that its decision is subject to second-guessing through a decertification petition," the two wrote.

It will also make it hard for the new union to get contract negotiations going if it and the company has to wait 45 days to see if anyone is going to challenge it, they said.

On the Net:

- National Labor Relations Board: <http://www.nlr.gov>