



FMCS OFFERS FREE CARD CHECK SERVICES FOR VOLUNTARY RECOGNITION OF UNIONS

On April 26, 2022, the Federal Mediation and Conciliation Service (“FMCS”), an independent agency that provides mediation and conflict resolution services, announced that it is now offering voluntary card check services for unions and employers at no cost. Card check is a quick and easy alternative to a full representation election conducted by the National Labor Relations Board (“NLRB”). Through a card check, an employer and a union seeking to represent a group of its employees agree that the union will submit signed authorization cards to a neutral third party, and if a majority of employees have signed cards indicating that they wish to be represented by the union, then the employer will voluntarily recognize the union without going through a formal election. Parties can request a free card check from FMCS at the following website: <https://www.fmcs.gov/services/building-labor-management-relationships/card-check-services/>.

This new, no-cost service was launched as a result of Presidential Executive Order 14025, which was intended to encourage and protect worker organization and collective bargaining. At this time, FMCS will only provide card check services where the union and the employer agree to the scope of the bargaining unit of employees at issue, and where both sides jointly request the card check. However, the NLRB’s General Counsel, Jennifer Abruzzo, is currently arguing for a return to a previous line of Board law, known as *Joy Silk Mills*, that allowed the NLRB to order an employer to recognize and bargain with a union where the union has shown majority support through card check, and where the employer has no good faith doubt about the union’s majority status. If the Board returns to the *Joy Silk Mills* standard, this will likely lead to an increase in the use of voluntary card check services as a fast and cheap way to determine a union’s majority status.

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