On January 30, 2009, President Barack Obama issued a series of Executive Orders that he contends should “level the playing field” for labor unions in their struggles with management. These Executive Orders:

- Reversed a Bush administration order requiring federal contractors to post a notice informing workers that they have the legal right to limit financial support of unions serving as their exclusive bargaining representatives.
- Require federal service contractors to offer jobs to current workers when service contracts change.
- Prevent federal contractors from being reimbursed for expenses meant to influence workers deciding whether to form a union and engage in collective bargaining.

The signing of these Executive Orders was President Obama’s second overture to organized labor in the early days of his presidency, following close behind his signing of a bill to give workers more time to sue for wage discrimination. Other bills that are currently pending and may be signed into law in the Obama presidency are:
- **Employee Free Choice Act (EFCA).** EFCA, the most controversial bill currently pending, would dramatically change the way in which unions organize employees because it would eliminate the traditional secret ballot election conducted by the National Labor Relations Board (NLRB) and replace it with a “card check.” Under EFCA, a union would automatically be recognized as the bargaining agent if at least 50% of the employees have signed authorization cards, even if such activity took place without any employer knowledge of organizing activity and without the employer having any opportunity to discuss with its employees the pros and cons of unionization. In addition, once the requisite number of cards has been signed, the employer would have 90 days to negotiate a collective bargaining agreement (CBA) with the union. If no agreement is reached in that period of time, the matter would be referred to mediation and then arbitration, where a panel of arbitrators would decide the wages and benefits to be provided to employees under the CBA.

- **Civil Rights Act of 2008.** Title VII of the Civil Rights Act of 1964 saw significant amendments in 1991, with more amendments likely during the Obama presidency. There are numerous proposed changes included in this bill, so it is likely to see a number of amendments before it can be brought to a vote. However, if passed, this law would increase available punitive damages and the recovery of expenses in discrimination lawsuits. In addition, this Act may eliminate alternative dispute resolution (ADR) programs implemented by employers.

- **Employment Non-Discrimination Act (ENDA).** Currently, neither federal nor Michigan law protects sexual orientation in the workplace. ENDA, which is almost certain to pass, would make sexual orientation a protected class like race, color, sex, age, religion, national origin and disability.

- **Healthy Families Act.** The Healthy Families Act would require employers with 15 or more employees to provide seven paid sick days annually for employees working 30 or more hours a week. An employee would be able to accrue up to the full seven days of sick leave and carry it over from year to year, although no more than seven days could be carried from one year to the next.

- **FOREWARN Act.** FOREWARN would amend the Worker Adjustment and Retraining Notification Act (WARN) by reducing the employee threshold for coverage from 100 to 50 employees, and requiring employers to provide 90 days advance notice, rather than the current 60 days, for plant closings or mass layoffs.

- **Re-Empowerment of Skilled Professional Employees and Construction Trade Workers (RESPECT) Act.** RESPECT would amend the National Labor Relations Act (NLRA) to permit individuals who have supervisory authority to assign or responsibly direct other employees to engage in union organizing activity. Currently, such supervisors are not protected under the NLRA and are immune from union organizing efforts.