

HOUSE RESOLUTION NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES JOHNSON, Kelly, Coghill

Introduced: 1/30/09

Referred: Labor and Commerce

A RESOLUTION

1 **Opposing any federal legislation that seeks to eliminate the private election phase of**
2 **union recognition campaigns or that seeks to impose compulsory and binding**
3 **arbitration on employers.**

4 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES:**

5 **WHEREAS** art. I, sec. 22, Constitution of the State of Alaska, guarantees individuals
6 the right to privacy; and

7 **WHEREAS** the Governor of Alaska and each member of this body either swore or
8 affirmed to support and defend the Constitution of the United States and the Constitution of
9 the State of Alaska; and

10 **WHEREAS** the right of a voter to cast a secret ballot in an election forms a
11 cornerstone of American democracy; and

12 **WHEREAS** private balloting in elections exemplifies American ideals; and

13 **WHEREAS** private balloting in workplace elections represents the most democratic
14 way to determine the wishes of employees and guarantee an outcome unaffected by outside
15 pressures; and

1 **WHEREAS** federal supervision of union recognition elections by the National Labor
2 Relations Board, a legal requirement for at least 60 years, provides detailed procedures to
3 ensure a fair election, free of fraud, where employees may cast their votes confidentially and
4 without coercion by coworkers, union representatives, or employers; and

5 **WHEREAS** limiting the process of union recognition to a "card check" procedure by
6 which employees sign or decline to sign authorization cards in the presence of coworkers,
7 union representatives, and employers does not promote an exercise of free choice by
8 employees; and

9 **WHEREAS** use of a card check procedure for a union recognition election creates an
10 opportunity for employers and union organizers to retaliate against employees because of
11 their votes; and

12 **WHEREAS**, in recent years, the vast majority of businesses targeted by union
13 organizing campaigns have been small businesses with fewer than 51 employees; and

14 **WHEREAS** small businesses are more likely to be unfairly subjected to the will of
15 union organizers because a small business possesses fewer resources to rely on during lengthy
16 legal proceedings that may accompany union recognition campaigns; and

17 **WHEREAS** efforts to eliminate the privacy of secret balloting in elections represent
18 an attack on the constitutional rights of businesses and workers to associate and speak freely;
19 and

20 **WHEREAS** employees who do not vote in favor of union representation should not
21 be forced to accept union representation and pay mandatory union dues, especially during an
22 economic recession; and

23 **WHEREAS** compulsory binding arbitration, which would force employers to accept
24 the terms of a first contract if the employer and the union cannot agree, is fundamentally
25 unconstitutional and would dramatically undermine the ability of an employer to negotiate;
26 and

27 **WHEREAS** compulsory arbitration discourages compromise during bargaining
28 because each party fears that an offer made to the other will be rejected and later used as
29 evidence against that party in an arbitration;

30 **BE IT RESOLVED** that the House of Representatives opposes any proposed federal
31 legislation, like H.R. 800, also known as the Employee Free Choice Act of 2007, that seeks to

1 eliminate the private election phase of union recognition campaigns or imposes compulsory
2 and binding arbitration on employers; and be it

3 **FURTHER RESOLVED** that the House of Representatives supports democracy in
4 the workplace and the preservation of every worker's right to decide privately whether or not
5 to allow a particular union to represent that worker's interests; and be it

6 **FURTHER RESOLVED** that the House of Representatives urges the Governor of
7 Alaska to use all available means to do what is necessary to fully support and defend the
8 Constitution of the United States and the Constitution of the State of Alaska.

9 **COPIES** of this resolution shall be sent to the Honorable Barack Obama, President of
10 the United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
11 President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of
12 Representatives; the Honorable Hilda L. Solis, United States Secretary of Labor; the
13 Honorable Sarah Palin, Governor of Alaska; and the Honorable Lisa Murkowski and the
14 Honorable Mark Begich, U.S. Senators, and the Honorable Don Young, U.S. Representative,
15 members of the Alaska delegation in Congress.