

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SL&C 12652

# Alaska State Legislature

*Session: (Jan-May)*  
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## John Harris Speaker of the House

**Working families, in Alaska and throughout America, are struggling to make ends meet, and our middle class is disappearing.**

**The National Labor Relations Act of 1935 sought to allow people the freedom to join together for the purposes of collectively bargaining with employers for mutual aid and protections. The system worked good for a while, but now the national labor relations machinery allows employers to be militantly, aggressively, hostile to the decisions of their employees even though three-fourths of all Americans think employers should be neutral. The system is broken.**

**Today, we have a system where CEOs demand contracts for themselves but fight to keep workers from having a voice on the job. As a result, working people are losing ground--losing health care coverage, retirement security, and jobs. A union voice can change that.**

**A few major national companies, Cingular Wireless for example, have agreed to recognize a union when a majority of employees sign up. They see this as a free and fair way to assess workers' choice -- and it results in less conflict between employers and employees.**

**The Employee Free Choice Act (EFCA) keeps the basic system, but gives workers a choice. They can have an election or, if they prefer, they can demonstrate their preference for union representation by a show of authorization cards, "card check" then becomes the basis for NLRB certification. Further, EFCA imposes stiffer penalties on employers who coerce or intimidate employees.**

**Passage of this act will go a long ways to restore the original intent of the National Labor Relations Act, and will help to uplift the middle class in our state, and throughout the country.**

**The impact of the Employee Free Choice Act should mean increased access to health care, the closing of the wealth gap, and will go a long ways towards rebuilding civil society. And it will cost the government practically nothing. More American workers will be able to work together to ensure fair treatment on the job and improve their standard of living.**

	<u>NLRB election process now</u>	<u>proposed under EFCA</u>
signing authorization cards required	yes	yes
cards required to force an election	30%	30%
upon card verification, election scheduled in 45 days	mandatory	optional
the campaign (45 day period), after card verification, where most discrimination, intimidation, and firing occurs	yes	eliminated
secret ballot election required to certify union as representatives	yes	optional
union can be certified/recognized as bargaining unit, if 50% + 1 of employees sign authorization cards	if employer agrees	if employees agree
collective bargaining required after affirmative election, or after majority sign authorization cards	yes no	yes yes
mandatory bargaining results in collective bargaining agreement	sometimes	sometimes
mediation and arbitration will result in collective bargaining agreement	no	yes
stiff penalties for violation of employees rights during campaign	no	yes

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NLRB election process now

proposed under EFCA

signing authorization cards required	yes	yes
union must file for an election	50%	yes
upon card verification, election scheduled in 45 days	mandatory	optional
the campaign (45 day period), after card verification, where most of the harassment, intimidation, and firing occurs	yes	no
secret ballot election required to certify union as representative	yes	optional
union can be immediately recognized as bargaining unit, if 50% of employees sign authorization cards	if employer agrees	if employees agree
election required after alternative election, if 50% of employees sign authorization cards	no	no
mandatory bargaining results in collective bargaining agreement	sometimes	no
election and arbitration will result in collective bargaining agreement	no	yes
still penalties for violation of employees rights during campaign	no	yes

# Employee Free Choice Act

## City, County and State Resolutions

### Municipalities

#### Introduced:

Los Angeles, CA  
Southfield, MI  
Albuquerque, NM

#### Passed:

Carson, CA  
Compton City, CA  
Portland, OR  
Baltimore, MD  
Detroit, MI  
Highland Park, MI  
Portland, OR  
Pittsburgh, PA  
Madison, WI

### Counties

#### Introduced:

Harford County, MD  
Baltimore County, MD  
Ann Arundel County, MD

#### Passed:

King County, WA

### States

#### Introduced:

Arizona  
Illinois  
Hawaii  
Kentucky  
Maine  
Michigan  
Minnesota  
Missouri  
New Jersey  
Oregon  
South Dakota  
Washington  
West Virginia

#### Passed:

Kentucky House  
Michigan House  
Minnesota Senate  
North Dakota Dem.-NPL Senate  
and House Caucuses  
West Virginia House

# ALASKA STATE LEGISLATURE

Senate  
Health, Education &  
Social Services  
Committee

Senate  
Labor & Commerce  
Committee

Senate  
State Affairs  
Committee



**SENATOR BETTYE DAVIS**

Senator\_Bettye\_Davis@legis.state.ak.us  
www.akdemocrats.org

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Juneau, Alaska 99801  
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Fax: (907) 269-0148

March 30, 2007

Honorable Ted Stevens  
United States Senate  
709 Hart Building  
Washington, D.C. 20510-0201

RE: "Employee Free Choice Act"

Dear Senator Murkowski:

As an elected official from the State of Alaska, I urge your support of the "Employee Free Choice Act" (H.R. 800), which has passed the US House of Representatives and was supported by both sides of the aisle. Its titled purpose is *"To amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes."*

Congress has long recognized that collective bargaining is critical in this democracy. The "Employee Free Choice Act" is a first step towards restoring the core of the preamble of the National Labor Relations Act passed 70 years ago that commits our government to promote collective bargaining in the workplace, rather than to witness a one-sided struggle between management and labor. It is a turning point in the growing movement to restore our nation's middle class which has faced unprecedented layoffs, stagnant wages, and soaring costs in the face of record corporate profits. Hopefully, the "Employee Free Choice Act" will help level the playing field when workers seek to form a union and bargain.

Sincerely,

A handwritten signature in cursive script that reads "Bettye Davis".

Bettye Davis  
Alaska State Senator

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**EMPLOYEE FREE CHOICE ACT**

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[Worker Rights Under Attack](#)

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## Myth vs. Fact

### *Employee Free Choice Act: Myth vs. Fact*

**MYTH:** The Employee Free Choice Act abolishes the National Labor Relations Board's "secret ballot" election process.

**FACT:** The Employee Free Choice Act does not abolish the National Labor Relations Board election process. That process would still be available under the Employee Free Choice Act. The legislation simply enables workers to also form a union through majority sign-up if a majority prefers that method to the NLRB election process. Under current law, workers may only use the majority sign-up process if their employer agrees. The Employee Free Choice Act would make that choice – whether to use the NLRB election process or majority sign-up – a majority choice of the employees, not the employer.

**MYTH:** The Employee Free Choice Act will increase intimidation and harassment by labor unions against workers.

**FACT:** Research has found that coercion and pressure actually drop – from both sides – when workers form a union through a majority sign-up process. Beyond this, harassment by unions is not the problem. In a study of a more than 60-year period, the Human Resources Policy Association listed 113 NLRB cases which they claimed involved union deception and/or coercion in obtaining authorization card signatures. Careful examination of those cases, however, reveals that union misconduct was found in only 42 of those 113 claimed cases. By contrast, in 2005 alone, over 30,000 workers received back pay from employers that illegally fired or otherwise discriminated against them for their union activities.

**MYTH:** The Employee Free Choice Act would require a secret ballot election in order for workers to get rid of a union.

**FACT:** Under current law, if an employer has evidence, such as cards or a petition, that a majority of workers no longer supports the union, then the employer is required by law to withdraw recognition of the union and stop bargaining, without an election, unless an election is pending. Under current law, the employer can and must withdraw recognition unilaterally, without the consent of the NLRB. The Employee Free Choice Act would not change this.

**RELATED NEWS**

**3/1/2007**  
House Approves Employee Free Choice Act Legislation

**3/1/2007**  
Chairman Miller Floor Statement On The Employee Free Choice Act

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**2/28/2007**  
Leading Human, Civil, and Labor Rights Organizations Support Employee Free Choice Act

**2/27/07**  
Former U.S. Secretaries of Labor Praise the Employee Free Choice Act

**2/14/07**  
Education And Labor Committee Approves Employee Free Choice Act

**2/14/07**  
Chairman Miller

**MYTH: The Employee Free Choice Act would require "public" union card signings.**

**FACT:** Under current law, employees must sign cards or petitions to show their support for a union in order to obtain an election. And, under current law, when an employer agrees to a majority sign-up process, employees must sign cards to show the union's majority status. Signing a card under the Employee Free Choice Act is no different from these card signings under current law. The union authorization card under the Employee Free Choice Act is treated no differently than a petition for election or a card under a majority sign-up agreement. As with petitions for an election, under the Employee Free Choice Act, the National Labor Relations Board would receive the cards and determine their validity.

**MYTH: The Employee Free Choice Act's sponsors support secret ballot elections for workers in Mexico, but not in the United States.**

**FACT:** Members of Congress wrote to Mexican authorities in 2001 arguing in favor of a secret ballot election in a case where workers were trying to replace a sham incumbent union with an independent union. The Employee Free Choice Act is consistent with this: it would require an NLRB election in cases where workers seek to replace one union with another union. Indeed, the original framers of the National Labor Relations Act intended elections for precisely those cases where multiple unions were competing – particularly where one was a sham company union and another was a real independent union.

Statement At Full  
Committee Markup Of  
Employee Free Choice  
Act

2/14/07

Chairman Miller  
Statement At Full  
Committee Markup Of  
Employee Free Choice  
Act

2/8/07

Workers Tell Congress Of  
Serious Employer  
Interference When They  
Try To Form Unions

2/8/07

Andrews Statement At  
Hearing On  
"Strengthening America's  
Middle Class Through  
The Employee Free  
Choice Act"

2/6/07

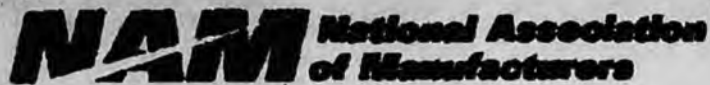
Lawmakers Introduce  
Employee Free Choice  
Act In The House

2/6/07

Miller Statement On  
Strengthening America's  
Middle Class With  
Employee Free Choice  
Act

COMMITTEE ON EDUCATION AND LABOR  
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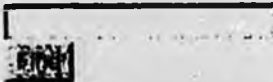
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March 1, 2007

H.R. 800 Passes House; Free Choice Harmed

The House of Representatives has just passed H.R. 800, the card-check bill known as the Employee Free Choice Act. The vote was 241-185.

We'll post the roll-call and a statement from NAM President John Engler as soon as they become available.

UPDATE (4:22 p.m.): The roll-call vote is available here. The breakdown: Ayes, 228 Democrats, 13 Republicans; Nays, 183 Republicans, 2 Democrats. Eight did not vote.

The two Democrats voting no were Congressman Gene Taylor of Mississippi and Congressman Dan Boren of Oklahoma. Tough, but gutsy votes.

UPDATE II (4:30 p.m.): The NAM has issued a statement on passage of H.R. 800.

WASHINGTON, D.C., March 1, 2007 - Responding to passage of a House bill stripping away the right of American workers to vote in a private, secret ballot election when deciding to unionize, National Association of Manufacturers President John Engler warned that this legislation "infringes upon America's democratic principles, and we vow to fight this legislation in the Senate."

In a 241-185 vote, the U.S. House of Representatives passed H.R. 800, a bill that would replace a federally supervised secret ballot election with a public process called "card check." This legislation would leave all employees vulnerable to coercion and intimidation during union organizing drives and, for those employees not asked to sign a card, gives them no option to choose, Engler explained.

"The NAM and our members intend to remind them that we take employee rights seriously," Engler continued. "If employees want to unionize, we should guarantee them a fair and private choice in the matter. Federally supervised secret ballot elections do just that."

"Employees are our greatest asset, and manufacturers are committed to protecting their rights and benefits," Engler added. "In this aim, we will not falter from our goal."

UPDATE III (4:44 p.m.): Associated Press story is here.

Tagged: card check , Employee Free Choice Act , H.R. 800

Posted by Carter Wood at March 1, 2007 3:58 PM

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bob — Mar. 2, 07 at 05:30 PM



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### CITY & STATE RESOLUTIONS

City and State Resolutions Supporting the Employee Free Choice Act

What is the Employee Free Choice Act?

The System for Farming Unions in Britain

Why Workers Need the Protection in Farm Unions and Beyond

Who Supports the Employee Free Choice Act?

Who Opposes the Employee Free Choice Act?

Hear from Workers

What You Can Do

Your Signature



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Last Name

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Introduced Passed

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Southfield, Mich.  
Allentown, N.M.  
Portland, Ore.  
Pittsburgh, Pa.  
Madison, Wis. (Link)

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Arms Arrediel County, Md.  
Baltimore County, Md. (EBC)  
Hartford County, Md.  
King County, Wash. (Link)

**States**  
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Hawaii  
Kentucky  
Michigan (EBC)  
Minnesota  
Missouri  
New Jersey  
Oregon (EBC)  
South Dakota  
Washington  
West Virginia  
West Virginia House  
Kentucky House  
North Dakota Democratic-Left, Senate and House  
Oreanus

- > Read a sample Employee Free Choice Act resolution (EBC).
- > Download a sign-on letter for state elected officials (EBC).
- > State legislators: Download a form to sign on to the Employee Free Choice Act letter of support (EBC).

**1** Tell Senators Support the Employee Free Choice Act

**2** Sign up for the Employee Free Choice Act Action Team

**3** Spread the Word

**4** 10 Key Facts About the Employee Free Choice Act

Read testimony from congressional hearings on the Employee Free Choice Act (H.R. 603):

- 4 Joe Daniels, Blue Diamond Growers worker
- 4 Teresa Jacobs, Circular worker, CWA member
- 4 Macki Schiller, AFL-CIO worker
- 4 Keith Ludlum, Southfield Foods worker
- 4 Gordon Lutz, University of Oregon
- 4 Rachel Shalton, University of California, Berkeley

Let Congress and your community know you support the Employee Free Choice Act.

Not a union member? You can still help.

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# SEATTLEWEEKLY

## A Union Shop on Every Block

As baristas seek to organize, the feds cite Starbucks.

By Phillip Dawdy

December 7, 2005

In a first for Starbucks, the National Labor Relations Board (NLRB) charged the company with violations of federal law on Nov. 18 in response to complaints filed by the Industrial Workers of the World (IWW), which has waged a yearlong campaign to unionize three coffee shops in New York. In the filing, the NLRB asserted that the 10,500-store Seattle-based chain violated the National Labor Relations Act by engaging in unfair labor practices, specifically citing instances of employees being fired for union activity and Starbucks managers conducting surveillance of and questioning employees about union activities, among other claims.

Daniel Gross, an IWW organizer and Starbucks barista in New York, says the union wants to organize workers so they can get a guaranteed 30 hours of work a week to make ends meet in pricey Manhattan. "Starbucks has been breaking the law nonstop," he says, referring to what he characterizes as union-busting activity by the company. Gross says company managers monitored employees through a camera at one Manhattan location. The IWW campaign is the first attempt to unionize the latte behemoth's employees in the U.S. In Vancouver, B.C., 10 Starbucks stores are unionized. Company sales for fiscal 2005 amounted to \$6.4 billion.

"We believe we've acted fairly and lawfully in every aspect of the campaign," says Audrey Lincroff, a company spokesperson. She declined to answer questions about specific charges in the complaint, which she says the company plans to defend against at a hearing Feb. 7 in New York.

Whatever the outcome, nothing has been coming between Starbucks and, well, more Starbucks outlets in recent years. In 1999, the company had 2,000 stores worldwide. It's now adding stores at the rate of five a day, or 1,800 a year, and is in 37 countries, as CEO Howard Schultz recently bragged on national television. Schultz himself stopped in at one of the New York stores this past summer, according to Gross, who was in the store at the time. "I challenged him to sit down and talk," Gross says. "He said 'no' and walked away, visibly nervous."

Schultz might have good reason to be nervous: the nonunion company has more than 100,000 employees.

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# WebMemo

No. 1386

March 7, 2007

Revised and updated June 20, 2007



Published by The Heritage Foundation

## Unions Know that Card Check Does Not Reveal Employees' Free Choice

*James Sherk*

Organized labor's highest legislative priority, the Employee Free Choice Act (EFCA, H.R. 800), would replace secret ballot union organizing elections with "card check," in which union organizers publicly solicit workers' signed union authorization cards. If a majority of a company's workers sign cards, they all automatically join the union without an election. In public, unions argue that card check reveals employees' preferences more reliably than the private ballot. But in private, union activists acknowledge that workers often sign union cards because of peer pressure or harassment and that publicly signed cards do not reflect workers' true intentions. That is why unions argue against letting workers use card check to leave a union. Policy-makers should understand that union activists know that card check does not reveal employees' free choice.

**Card Check Would Not Solve Alleged Problem.** Labor activists want Congress to require workers to publicly sign a union card to join a union, rather than cast a private ballot. Unions say that card check is the only way to determine whether workers truly want to join a union because companies routinely fire union supporters and intimidate workers into voting down unionization.

In fact, such firings are both illegal and rare. Data from the National Labor Relations Board (NLRB) show that employers illegally fired union supporters in only 2.7 percent of organizing election campaigns in 2005.<sup>1</sup> If widespread corporate intimidation were a problem, however, forcing employees to

make their choice in public instead of letting them vote in private would only make it worse.

**Unions Know Card Check Is Unreliable.** Nonetheless, unions publicly insist that Congress should pass EFCA because card check best reveals workers' intentions. In private, however, union organizers agree that publicly signed cards do not reflect workers' true beliefs.

Union organizers currently solicit signed union cards from workers to request that the NLRB hold an organizing election. Union organizing manuals caution organizers that a worker's signature on a union card does not mean that he or she wants to join a union or will vote for the union in the election. Unions have known this for decades. The AFL-CIO's 1961 *Guidebook for Union Organizers* states:

NLRB pledge cards are at best a signifying of interest at a given moment. Sometimes they are signed to "get the union off my back".... Whatever the reason, there is no guarantee of anything in a signed NLRB pledge card except that it will count towards an NLRB election.<sup>2</sup>

Unions regularly submit publicly signed authorization cards from a large majority of a company's

workers, only to see the workers reject the union in the privacy of the voting booth. In a study of organizing campaigns, the AFL-CIO admitted that "it is not until the union obtains signatures from 75% or more of the unit that the union has more than a 50% likelihood of winning the election."<sup>3</sup>

When organizers solicit union cards, they visit workers' homes in groups and put them on the spot with high-pressure tactics. They only give one side of the story and ask workers to commit immediately. If a worker does not sign the card, they return again and again until the worker does.<sup>4</sup> Cards signed under these circumstances are far less likely to reveal a worker's true intention than a private vote held after time for reflection.

**Unions Oppose Card Check for Decertification.** Unions know that card check does not reliably reveal workers' wishes and that it can lead to workers being pressured into signing a card. That is why unions have argued against letting workers use card check to decertify their union as passionately as they now argue in favor of card check for organizing. In a brief to the NLRB, the AFL-CIO quoted the Supreme Court in arguing that workers deserve the privacy of the voting booth when deciding to leave their union:

[A] representation election is a solemn... occasion, conducted under safeguards to voluntary choice.... [O]ther means of decision making are not comparable to the privacy and independence of the voting booth.<sup>5</sup>

The AFL-CIO also argued that public cards do not reflect workers' true choice:

[T]he NLRA representation election system provides the surest means of avoiding decisions which are the result of group pressures and not individual decision.<sup>6</sup>

Unions know that private ballots best reveal workers' desires. And yet the unions disfavor private ballots for union organizing.

**Real Goal is More Members.** Some see card check as a means of reducing unions' long-term decline. In the modern economy, unions are harder to sell to workers than in the manufacturing economy of two generations ago. Today's jobs require unique skills and talents that do not easily lend themselves to general representation.

Consequently, union membership has fallen steadily since the 1950s. Unions lost another 326,000 members in 2006. Today just 12 percent of workers belong to a union, less than at any point since the Roosevelt Administration.<sup>7</sup> Unions seek to reverse that trend, and they know that card check allows them to organize workplaces without workers' majority support. United Food and Commercial Workers organizer Joe Crump openly admits that with card check, "You don't need a majority or even 30% support among employees."<sup>8</sup>

Crump instructs organizers not to worry that aggressive campaigning for a company to skip an election might turn workers against the union because "if you had massive employee support, you probably would be conducting a traditional organizing [election] campaign."<sup>9</sup> Unions want card check to make it easier to recruit dues-paying

1. J. Justin Wilson, "Union Math, Union Myths," Center for Union Facts, June 2007, at [www.unionfacts.com/downloads/Union\\_Math\\_Union\\_Myths.pdf](http://www.unionfacts.com/downloads/Union_Math_Union_Myths.pdf).
2. AFL-CIO. *AFL-CIO Organizing Survey* (Washington, D.C.: AFL-CIO, 1989).
3. Woodrow J. Sandler, "Another Worry for Employers," *U.S. News and World Report*, March 15, 1965, p. 86.
4. James Sherk, "How Union Card Checks Block Workers' Free Choice," Heritage Foundation *WebMemo* No. 1366, February 21, 2007, at [www.heritage.org/Research/Labor/wm1366.cfm](http://www.heritage.org/Research/Labor/wm1366.cfm).
5. Brief for Charging Parties and the AFL-CIO, *In Re Chelsea Industries, Inc. and Levitz Furniture Company of the Pacific, Inc.*, before the National Labor Relations Board, Case Nos. 7-CA-36846 and 7-CA-37016, May 18, 1998, p. 13 (internal quotation marks omitted).
6. *Ibid.*
7. Department of Labor, Bureau of Labor Statistics, "Union Members in 2006," News Release, January 25, 2007, at [www.bls.gov/news.release/union2.nr0.htm](http://www.bls.gov/news.release/union2.nr0.htm) (March 2, 2007).

members, not to defend workers' right to freely choose to join or not join a union.

**Conclusion.** Labor activists argue that publicly signed union cards are the best way to prevent intimidation and harassment and to protect employees' free choice. Privately, however, they acknowledge that a decision made in public does not reliably reveal a worker's true intentions. Unsurprisingly, they have strongly opposed efforts to let

workers decertify a union by card check. Unions seek to reverse the decline in union membership by facilitating the organizing of workplaces where the majority of workers do not want to unionize. Congress should remember this when considering stripping workers of the privacy and protection of the voting booth.

—James Sherk is Bradley Fellow in Labor Policy in the Center for Data Analysis at The Heritage Foundation.

- 
8. Joe Crump, "The Pressure is On: Organizing Without the NLRB," *Labor Research Review*, Volume 18, Fall/Winter 1992, p. 43.
  9. *Ibid.*, p. 42.

washingtonpost.com

## A Shield Against Corporate Bullying

Advertisement

By Lance Compa  
Tuesday, February 27, 2007; A15

A proposal to let American workers decide in peace and quiet about whether to join a union has provoked a torrent of crocodile tears from corporate executives. The Employee Free Choice Act, which the House is due to vote on this week, would permit an employee to choose union representation by signing a membership card. If a majority of workers in a defined "bargaining unit" opted for it, employers would have to bargain in good faith with the workers' union.

Business spokesmen shout that the act deprives workers of their right to an election held by the National Labor Relations Board (NLRB). But what companies really prize is management's power to exploit the election procedure to mount aggressive, one-sided attacks on workers' freedom of association.

Why the sudden concern for democracy in a culture of otherwise unilateral employer dominion? We don't hear companies calling for secret-ballot votes on management decisions or CEO stock options, or to elect worker representatives to boards of directors. Bosses' democratic impulses appear only when workers want to exercise their right to organize.

Current labor law puts employers in control of what should be employees' concern. Even when by a big majority workers join a union to bargain collectively, employers can force a vote run by the NLRB. During the weeks it takes to set up the election, management can launch a devastating campaign to thwart workers' choice. Employers say they are just telling employees the downsides of organizing. But they go way beyond that point, hauling workers into mandatory meetings and threatening to shutter the workplace or to permanently replace workers who exercise the right to strike.

Imagine a campaign for president where legally just one candidate can spend an unlimited amount of money for TV advertisements and the other candidate can only pass out flyers at highway intersections. Imagine a campaign for Congress in which every employer in the country can force its employees into a mandatory meeting to tell them: "If you vote for the candidate of Party A, I'll have to close the business; vote for Party B if you want to keep your job." Imagine a campaign for governor where every employer in the state singles out and fires employees who support the candidate whom management opposes.

These examples parallel the reality of union election campaigns under current law. Employers have unlimited access to harangue workers against organizing, while union representatives are relegated to passing out flyers to workers speeding out of parking lots and asking time-stressed employees to attend evening or weekend meetings. Employers have unlimited power to hold captive-audience meetings where they can legally "predict" workplace closure, as long as they don't illegally "threaten" it (a Supreme Court decision created the distinction, though many understandably have trouble differentiating between the two). And though it's illegal, employers routinely fire worker activists to frighten others into submission, knowing it will take years for reinstatement orders to take effect.

A card-based system for choosing union representation is already allowed under current law. Many fair-minded employers use it. But most nullify it, forcing workers into the NLRB election process. These managements say they need an opportunity to offer their version of union "facts," but their presentations are often threat-filled diatribes.

**Nothing in the proposed legislation prevents employers from presenting their views -- including their diatribes. Actually, employers are entitled to mount union-avoidance campaigns starting on Day One of a worker's employment. Their campaign is the wages and benefits they pay and the way they treat employees. If workers turn to union representation, it should be their business, not the company's.**

**Workers should be able to organize without fear-mongering by bosses or, by the same token, pressure from union organizers. This is how the card-based system already works; safeguards against undue pressure from any side are built in. It includes rapid arbitration to resolve any disputes, compared with years of dragged-out NLRB proceedings and federal court appeals.**

**Many companies have agreed to a card-based system. They find that when workers choose bargaining, a more peaceful, productive negotiating-table dynamic results than in the case of negotiations that follow an NLRB election war. Congress should build such positive labor relations into the architecture of our labor laws by passing the Employee Free Choice Act.**

*Lance Compa, a senior lecturer at Cornell University's School of Industrial and Labor Relations, wrote the Human Rights Watch report "Unfair Advantage: Workers' Freedom of Association in the United States Under International Human Rights Standards."*

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**Alaska**

**May 15, 2007**

**The Honorable John Harris  
Speaker of the House  
Alaska State Capitol Building  
Juneau, Alaska 99801**

**RE: House Joint Resolution 25**

**Dear Speaker Harris,**

**On behalf of the Alaska Chapter of the National Federation of Independent Business, I wish to express our opposition HJR 25. The Alaska Chapter of the National Federation of Independent Business is the largest small-business advocacy group in the state.**

**HJR 25 suggests the Alaska State Legislature should support federal legislation referred to as "Employee Free Choice Act." This bill represents a direct threat to the ability of small business to create jobs and grow the economy.**

**Employee Free Choice Act is an effort to seek union recognition outside of the long protected secret-ballot election. Employees would be stripped of their right to vote privately in union elections. No longer needing a ratifying vote, union representatives would only need to coerce a majority of employees to sign authorization cards. This "card check" petitioning would take place outside of a workplace and in front of union organizers and fellow employees who support unionization. Employees would be subject to intimidation, misinformation, and other union tactics that would ultimately pressure them into signing authorization cards.**

**An editorial in the Los Angeles Times noted, "The bedrock of federal labor law is not unionism under any conditions, but the right of workers to choose whether they want to affiliate with a**

**Speaker John Harris**  
**May 15, 2007**  
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**union...Unions once supported the secret ballot for organization elections. They were right then and are wrong now."**

**Additionally, the Employee Free Choice Act would force an employer to recognize the first contract offered by a union. Agreement must be reached within 120 days of card check recognition, or a government arbiter will interject. Small-business owners would no longer set the wage and benefit terms for their workforce. Instead, a government official would come in to their place of business and set the terms for them.**

**Sincerely,**

**Dennis L. DeWitt**  
**Alaska State Director**  
**National Federation of Independent Business**

**cc: House Rules Committee**  
**Senate Labor & Commerce Committee**