

The Employee Free Choice Act also known as “Card Check,” has arrived and it is time to take action! The Senate bill was introduced (S. 560) by Senator Ted Kennedy (D-MA) and has 39 co-sponsors including Senator Claire McCaskill from Missouri. We encourage you to read about this and then contact your senators and representatives with your opinion—for or against. The following pages should help you to understand the issue. The contact information for the elected officials is on our Helpful Links web page.

I asked John Gaal from the St. Louis Carpenters Joint Apprentices Program, one of our members to speak about their side of the “Card Check” issue. John is Director of Training & Workforce Development for the Carpenters Union. Below is his message.

I appreciate the opportunity to weigh-in on this matter. To be sure, I have seen propaganda from the far left and far right on this important topic. In fact, the last time the US saw major labor law reform that assisted workers was during the Great Depression...some experts say that we are in a similar situation today! Too often, the right positions the Employee Free Choice Act (EFCA) as taking rights away from workers based on one issue: the secret ballot. Unfortunately, this is often framed by this group in a way that the secret ballot will automatically disappear if EFCA is passed. The fact is that the secret ballot is and will remain available to workers whenever a threshold of those in a potential bargaining unit choose to select that pathway. Question: If the current NLRB process was fair, then one should ask why are businesses ONLY afforded the opportunity to meet w/ employees to discuss unionization matters during working hours and/or on company property? The other two major parts of EFCA deal w/ first contracts and stiffer penalties. Regarding first contracts, the current process allows businesses to game the system by prolonging the timeline to a first contract. This often leads to turnover in the original bargaining unit and, thusly, a lack of support for the union. The proposed change is to mandate mediation at 60-90 days (following recognition) and binding arbitration at 90-120 days, if needed (times depend on the source). Question: If the current NLRB process worked, one should ask then why do less than 60% of those certified bargaining units reach a first contract within two years? Finally, stiffer penalties against businesses that abuse the labor laws have been recommended. As mentioned in the two sections above, many of the activities businesses are involved w/ in preventing unionization are sometimes undertaken in an illegal manner...this includes offering unwarranted raises to not negotiating in good faith. My sense here is that if fines are hefty (and enforced) then businesses will avoid inappropriate actions. Question: If the current NLRB process was balanced, then why has union density declined in the private sector since the 1950s?

This may not be as direct as you had hoped but EFCA is a very important piece of legislation. After all, unions played a major role in establishing a middle class in the USA. Affton CofC knows that the CDC is not about protecting those who cannot perform. We are fully aware that w/o businesses our contractors do not have work and our members do not have jobs.

Regards,
John Gaal

Federal 'card check' bills filed, Missouri fights back

Message from the weekly Missouri Chamber of Commerce newsletter

Dangerous federal legislation to alter the process by which unions are formed was filed in both houses of Congress this week.

The legislation, titled the Employee Free Choice Act, would allow workplace union organizers to sidestep the traditional secret ballot election. Instead, the "card check" legislation would allow for unions to be formed simply by having workers sign cards.

This bill would undermine long standing principles of workplace democracy and fairness and result in employees having less ability to determine if they wish to be represented by a union. The legislation would radically restructure 60 years of carefully crafted labor law balances that have served both unions and employers well for many decades.

Such legislation would harm the nation's economy at a time when it is at its weakest in decades. Rather than empowering workers, at least one study shows the legislation could lead to additional unemployment.

In her study, *An Empirical Assessment of the Employee Free Choice Act: The Economic Implications*, Dr. Anne Layne-Farrar showed that if the card check legislation led to 1.5 million additional unionized workers, that would cause 600,000 lost jobs the following year. Layne-Farrar also found that although workers organized under card check will typically receive higher pay than their unrepresented counterparts, the review of the economic literature reveals that these increased costs must be offset by decreases in other areas which go beyond wages and benefits, according to a press release from the United States Chamber of Commerce.

The federal legislation has attracted much opposition in Missouri.

House Joint Resolution 37, sponsored by Rep. Mike Cunningham, a Republican from Rogersville, seeks to put the issue before the voters of Missouri in November 2010 to determine if the state constitution should be amended to guarantee secret ballot voting for workers who are considering unionization. Changes to the state constitution can only be voted upon during general elections, unless a special election is called by the governor. November 2010 likely would be the earliest opportunity to get this issue on the Missouri ballot.

Senate Concurrent Resolution 24, sponsored by Sen. Brad Lager, a Republican from Savannah, urges Congress to oppose the Employee Free Choice Act.

The resolutions have been introduced and await committee hearings. The Missouri Chamber strongly supports the resolutions.

For more information on this issue, contact Trey Davis, Missouri Chamber vice president of governmental affairs at tdavis@mochamber.com, or by phone at 573.634.3511.