

A RESOLUTION

1 Expressing opposition to Federal labor legislation eliminating
2 secret ballots or requiring compulsory arbitration.

3 WHEREAS, In the 110th Congress, bills enacting the Employee
4 Free Choice Act of 2007 contained language that proposed
5 amending the National Labor Relations Act (49 Stat. 449, 29
6 U.S.C. § 151 et seq.) to require the National Labor Relations
7 Board (NLRB) to certify a labor union as the exclusive
8 representative of employees if it presents union authorization
9 cards signed by a majority of employees without the benefit of a
10 government-supervised secret ballot election and to utilize
11 binding arbitration to impose an initial contract if either
12 party in a collective bargaining negotiation requests mediation,
13 and such mediation is not successful; and

14 WHEREAS, Current Federal law requires that the NLRB conduct a
15 secret ballot election to determine the will of employees if a
16 petition for a representation election is filed by an individual
17 or union and the petition is supported by a showing of interest
18 by at least 30% of employees stating that they want to be
19 represented by a union or if an employer requests a

1 representation election because it doubts a union's claim that a
2 majority of its workers want union representation, with the
3 claim based on signed union authorization cards; and

4 WHEREAS, The bills in the 110th Congress enacting the
5 Employee Free Choice Act of 2007 proposed creating a card-check
6 union certification process, which would have effectively
7 changed the National Labor Relations Act to eliminate an
8 employer's right to request a secret ballot election in cases
9 where it has reasonable doubt as to the validity of a union's
10 claim to be recognized as the collective bargaining agent based
11 on presentation of union authorization cards; and

12 WHEREAS, Such a change to the National Labor Relations Act
13 would hinder, not promote, employee free choice by depriving
14 employees of their long-established right to a secret ballot
15 election in contested situations; and

16 WHEREAS, A secret ballot election ensures that all workers
17 can hear arguments from the employer and union, have time for
18 reflection and then vote their conscience without pressure or
19 fear of retaliation; and

20 WHEREAS, The card-check process essentially eliminates an
21 employer's ability to discuss with employees the employer's view
22 of union representation in violation of the employer's First
23 Amendment rights and, thus, prevents employees from receiving
24 all available facts or information on which to make an informed
25 decision; and

26 WHEREAS, The secret ballot election ensures that all
27 employees in a collective bargaining unit have input, via their
28 private vote, as to whether they want to be represented by a
29 union; and

30 WHEREAS, The card-check process can leave workers who were

1 never asked to sign such card by union organizers without any
2 input into whether they are to be represented by a union; and

3 WHEREAS, The card-check process could lead to situations in
4 which employees are misled by union organizers as to the full
5 significance of signing such card authorizations, as detailed by
6 public testimony in February 2007 before the United States House
7 Subcommittee on Health, Employment, Labor, and Pensions; and

8 WHEREAS, The secret ballot election process is not biased
9 against unions, as is evidenced in the NLRB's Annual Report for
10 Fiscal Year 2007 which stated that, in fiscal year 2007-2008,
11 1,905 representation elections were held covering 101,551
12 employee voters, with workers choosing union representation as
13 their bargaining agents 54.9%; and

14 WHEREAS, The secret ballot election process is being
15 administered by the NLRB in a timely, efficient manner, as is
16 evidenced in the NLRB's Performance and Accountability Report
17 for Fiscal Year 2008, which states that 95% of initial
18 representation elections were held within 56 days of filing of a
19 representation petition; and

20 WHEREAS, The bills in the 110th Congress enacting the
21 Employee Free Choice Act of 2007 also proposed creating a
22 binding arbitration process which could be instituted in as
23 little as 120 days after commencement of initial contract
24 negotiations to impose an initial contract upon the parties
25 involved in collective bargaining; and

26 WHEREAS, Current Federal law does not require that binding
27 arbitration be used on unwilling participants, and traditional
28 national labor policy favors a collective bargaining process
29 which does not compel either party to agree to any proposal or
30 require the making of a concession; therefore be it

1 RESOLVED, That the House of Representatives of the
2 Commonwealth of Pennsylvania oppose language in any Federal
3 legislation which creates a card-check process, because such a
4 process violates workers' fundamental rights to a secret ballot
5 vote, which protects them from intimidation and which ensures
6 that all workers have a chance to give their input; and be it
7 further

8 RESOLVED, That the House of Representatives of the
9 Commonwealth of Pennsylvania maintain the position that, if
10 there are problems with the fairness of secret ballot elections
11 with respect to isolated instances of employer intimidation,
12 then Congress should address that issue alone and do so in a
13 manner that primarily maintains the secret ballot election
14 process for deciding union representation in contested
15 situations; and be it further

16 RESOLVED, That the House of Representatives of the
17 Commonwealth of Pennsylvania oppose any Federal legislative
18 language violating an employer's First Amendment right to
19 express the employer's view to employees on the implications of
20 union representation; and be it further

21 RESOLVED, That the House of Representatives of the
22 Commonwealth of Pennsylvania oppose language in any amendment to
23 the National Labor Relations Act (49 Stat. 449, 29 U.S.C. § 151
24 et seq.), to require binding arbitration, because such a
25 requirement will seriously alter the traditionally accepted
26 balance of power in initial contract negotiations and subject
27 employers to the imposition of contract provisions by third
28 parties; and be it further

29 RESOLVED, That copies of this resolution be transmitted to
30 the presiding officers of each house of Congress and to each

1 member of Congress from Pennsylvania.