

TALKING POINTS

Special Edition

VOLUME 3, ISSUE 5

The U.S. Senate is taking up the Employee Free Choice Act (H.R. 800/S. 1041), also known as “card check” legislation. The House of Representatives passed the bill already, but debate on the measure has been stalled in Senate. Card check legislation could significantly impact the ability of unions to organize companies. Recent reports state that key Democrats, who strongly favor the bill, are working to re-open debate.

'Card check' legislation:

Boon for union, bust for business

The Employee Free Choice Act, also known as “card check” legislation, will have a significant impact on the McDonald’s System. The bill will end the long practice of allowing employees to vote by secret ballot on whether they want to be become a member of a union.

Under current law, this secret ballot election is overseen by the National Labor Relations Board, which provides detailed procedures to ensure a fair election, free of fraud. **The card check bill would eliminate this oversight and the secret ballot.** Instead, a simple majority of employees in a workplace would simply have to check a card indicating that they want to unionize. This would leave them open to **intimidation and coercion** because their decision would no longer be private but open to scrutiny.

The bill would also require **mandatory arbitration** in contract disputes. If workers determine they want to be unionized, an employer must negotiate with the union representatives and agree on a contract. Under the bill, a third-party arbitration panel would be brought in to decide the terms of the contract, including such things as pay levels and benefits, if the employer and the union fail to reach an agreement after 90 days. **The bill does not give union members the right to vote to approve or disapprove the contract, as is a common practice now.**

The bill passed in the House of Representatives, but debate on the issue has stalled in the Senate. The Senate is currently comprised of 58 Democrats and 41 Republicans. However, the election between Democrat Al Franken and Norm Coleman in Minnesota is still up in the air.

It is **critical** that you contact your senators and urge them to vote “**No**” to The Employee Free Choice Act. We also strongly suggest to contact your representative. If the Senate passes the bill with any changes from the version passed in the House, those differences will be hammered out in conference committee.

To learn how to contact your senators and representatives, visit **www.senate.gov** and **www.house.gov** or call the Senate switchboard at **202-224-3121** or the House of Representatives at **202-225-3121**.

Attached to this newsletter are two sample letters that can be sent to urge your congressman and senator to oppose the measure.

SAMPLE LETTER TO MEMBER OF U.S. SENATE

DATE

The Honorable **[FULL NAME]**
United States Senate
Washington, D.C. 20515

Dear Sen. **[LAST NAME]**:

As a business owner in your state, I am writing to express my strong concerns about the Employee Free Choice Act (S. 1041), legislation that would make it difficult for businesses like mine to compete. The Employee Free Choice Act, or “card check” legislation, removes the protection of a federally supervised, private ballot election in union organizing campaigns. It would put control of what should be an employee-led organizing effort in the hands of paid union organizers. It would also impose third-party arbitrators on both employees and employers, potentially denying them the ability to have any say regarding the terms of employment.

As a small business owner and member of my local community, I believe the rights of my employees need to be protected in the election process. First and foremost, I fear that, without basic democratic voting rights, employees will be exposed to many forms of coercion and pressure from union organizers. The only way to guarantee employees protection is through the continued use of a federally supervised secret ballot so that personal decisions about whether to join a union remain private. Secret ballots protect free choice.

Equally disruptive, the Employee Free Choice Act would force my employees and me to agree to compulsory contract terms through binding arbitration. A government arbitrator would determine the terms of the contract, which would be enforced without even a ratifying vote from the employees. Compulsory arbitration departs from seven decades of precedent under the National Labor Relations Act and would mark an unprecedented intrusion into private businesses, eroding freedom to contract.

I am asking that you support the rights of workers and the employers who are striving each day to create jobs and economic growth during this challenging time by opposing the Employee Free Choice Act. Thank you for your consideration of this important issue.

Sincerely,

[YOUR SIGNATURE]
**[YOUR NAME AND ADDRESS IF
NOT ON LETTERHEAD]**

SAMPLE LETTER TO MEMBER OF U.S. HOUSE

DATE

The Honorable **[FULL NAME]**
United States House of Representatives
Washington, D.C. 20515

Dear Sen. **[LAST NAME]**:

As a business owner in your state, I am writing to express my strong concerns about the Employee Free Choice Act (HR. 800), legislation that would make it difficult for businesses like mine to compete. The Employee Free Choice Act, or “card check” legislation, removes the protection of a federally supervised, private ballot election in union organizing campaigns. It would put control of what should be an employee-led organizing effort in the hands of paid union organizers. It would also impose third-party arbitrators on both employees and employers, potentially denying them the ability to have any say regarding the terms of employment.

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Sincerely,

[YOUR SIGNATURE]
[YOUR NAME AND ADDRESS IF
NOT ON LETTERHEAD]