

CONTACT YOUR MEMBERS OF CONGRESS IN OPPOSITION TO THE EMPLOYEE FREE CHOICE ACT

March 23, 2009

What's at Issue

Democrats in both the U.S. House of Representatives and the U.S. Senate introduced controversial labor legislation, the Employee Free Choice Act, in both chambers on March 10, 2009. H.R. 1409/S. 560, also referred to as "card check," would change how unions organize workers in the United States by eliminating a company's right to demand a secret ballot if a majority of employees sign authorization cards to form a union. It also requires binding arbitration to reach a first contract, if labor and management can't reach an agreement within 120 days, and increases penalties for businesses that violate labor laws.

Why It's Important

The bill passed the House in 2007 but stalled in the Senate. Senator Tom Harkin (D-IA) and Representative George Miller (D-CA) re-introduced the legislation that would give workers the option to bypass secret elections as they decide whether to form a union. Instead of an election run by the National Labor Relations Board, workers would be able to fill out cards saying whether they support or oppose a union. Big labor unions like the American Federation of Labor-Congress of Industrial Unions (AFL-CIO), Service Employees International Union (SEIU), and the Change to Win Coalition spent millions of dollars during the 2009 election, and are pushing Congress to approve this legislation. Union membership has declined to 12.1 percent, of which 7.5 percent is in the private sector. Government jobs are the only sector where the unions' market share has grown. Union representatives are hoping that the legislation will reverse the decline in union membership and have spent \$7.2 million since November 5, 2008, on television advertising. The U.S. Chamber of Commerce and other pro-business groups have spent \$1.8 million in opposition to the legislation. While this law would affect aviation businesses differently, on the whole it will increase costs for the industry and make it difficult for many companies to pull out of the recession.

What to Do

[Contact your Members of Congress by visiting NATA's Legislative Action Center.](#) NATA's Legislative Action Center provides association members with a quick and easy way to email letters directly to Members of Congress in their state. [Click here to view the form letter](#) or use the following talking points when speaking to Members of Congress or their staff:

To view Members of Congress who are supporting this legislation by co-sponsorship, please click on the links below.

[Member in the U.S. House of Representatives supporting H.R. 1409.](#)

[Members of the U.S. Senate supporting S. 560.](#)

OVER...

(What to Do Continued)

Opposition to the Legislation Talking Points:

- Under existing law, employees can vote for or against unionization in a private-ballot election that is federally supervised. Under the Card Check bill, if more than 50% of workers at a facility sign a card, the government would have to certify the union, and a private ballot election would be prohibited even if workers want one.
- Card Check opens the door to intimidation and coercion by forcing workers to sign a card in public instead of vote in private.
- Workers could be asked to sign a card almost anywhere, including outside the workplace, such as their homes. Union organizers could go back to any worker who declines to sign over and over again until they get the desired result.
- Under Card Check, a union is not obligated to tell an employer it is launching an organizing drive. An employer may not find out an organizing campaign is underway until ordered by the federal government to start collective bargaining. Likewise, not all workers might know about organizing efforts and therefore might not have had the opportunity to vote.
- Over 70% of union voters agree that a private election is better than card check.
- Card Check could put government regulators in charge of private business decisions.
- Once a union is certified, the business and union would only have 120 days to reach agreement before being forced into binding arbitration. A panel of government arbitrators who may have no understanding of the business could impose a two-year contract deciding all of the terms without the company's or its employees' involvement.
- Card Check would unfairly punish businesses by imposing new penalties on them and not unions for violations during the union recognition process. This could be detrimental to small businesses that are not familiar with unionizing campaigns or the National Labor Relations Act.
- If Card Check becomes law, many small and medium-sized businesses would be facing unionization for the first time.

NATA Position

NATA strongly encourages its members to be outspoken in opposition to the Card Check bill. It is going to take a lot of influence in both the House and Senate to persuade lawmakers that this legislation will negatively affect small businesses and large employers in the U.S. Call, write, or visit your representatives today!

Status

Currently, Senate Democrats do not have the support necessary to pass the legislation; however, Senator Harkin feels that it's possible in the next few months. Harkin and House Speaker Pelosi said the Senate will vote before the House takes up the bill because the Democratic majority in the House ensures it will pass. It's possible that the legislation could be on the Senate floor in late April or the beginning of May. President Obama co-sponsored the legislation when he was in the Senate and said last week he would work to "pass the Employee Free Choice Act," his most explicit comments in support of the bill since taking office.

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