

Minnesota Business Leaders

A coalition powered by the U.S. Chamber of Commerce along with chambers, associations, and businesses to save the secret ballot.



Update: Week of May 18

MBL Coalition Members are taking action TODAY to stop this misnamed and misguided legislation.

The coalition of business organizations is your go to source for EFCA information and updates. Sign up today if you would like to join the fight to save the secret ballot!

Albert Lea-Freeborn County Chamber
Alexandria Lakes Area Chamber
Apple Valley Chamber
Austin Area Chamber
Brainerd Lakes Chamber
Burnsville Chamber
Chamber of Commerce of Fargo

MBL Resource Website

Have you visited the coalition's new website yet? <http://www.mnbusinessleaders.com/> is your information source for all things card check. The site has all of the EFCA resources and information you and your members will need. Powered by the U.S. Chamber, you will find links to the Chamber's card check Toolkit, EFCA facts and figures, and all of the latest news on the legislation.

Members of MBL Coalition Meet with Rep. Walz (MN-1) During Trip to DC

Moorhead
 Chamber Grand Forks/East Grand
 Forks
 Dakota County Regional Chamber
 Duluth Area Chamber
 Eden Prairie Chamber
 Edina Chamber
 Elk River Area Chamber
 Fairmont Area Chamber
 Faribault Area Chamber
 Greater Wayzata Area Chamber
 Grand Rapids Area Chamber
 Hastings Area Chamber
 I-94 West Chamber
 International Falls Area Chamber
 Lakeville Area Chamber
 Litchfield Chamber
 Marshall Area Chamber
 MetroNorth Chamber
 Midway Chamber
 Minneapolis Regional Chamber
 Minnesota Chamber
 MN Associated Builders &
 Contractors
 MN Automobile Dealers
 Association
 MN Beverage Association
 MN Business Partnership
 MN Grocers Association
 MN Lodging Association
 MN Restaurant Association
 MN Trucking Association
 MN Warehouse Association
 North Hennepin Area Chamber
 Northfield Area Chamber
 Owatonna Area Chamber
 Printing Industry of MN
 Richfield Chamber
 River Heights Chamber
 Rochester Area Chamber
 Saint Paul Area Chamber
 Saint Peter Area Chamber
 SouthWest Metro Chamber
 St. Cloud Area Chamber
 Thief River Falls Chamber
 TwinWest Chamber
 U.S. Chamber
 Waconia Chamber of Commerce



Legislative Update

Because of the incredible grassroots advocacy of the small business community, there is a growing sense that the Employee Free Choice Act (EFCA – Card Check) doesn't have the 60 votes needed to get it through the U.S. Senate. Even Senator Specter of Pennsylvania, having recently switched to being a Democrat, maintains that he will not vote for cloture on Card Check in its current form. That is the good news.

The less good news is that serious efforts are underway to develop an alternative version of the Card Check bill that can get 60 votes in the Senate. The discussions are very fluid, but we want to update you on the latest developments.

- Senator Tom Harkin is now encouraging other senators to consider other proposals. Among them are the concepts of "quickie elections", "mail-in voting", "union access", and "baseball-style arbitration."
 - Quickie elections would preserve the use of the secret ballot process, but on a compressed time frame which would put the employer at a disadvantage in communicating their message to employees, even though unions will have had weeks and months to communicate to employees during the drive to get cards signed. Quickie elections will thus deny

Wahpeton Breckenridge Area Chamber
 White Bear Area Chamber
 Willmar Lakes Area Chamber
 Winona Area Chamber
 Worthington Area Chamber

Card Check in the News

-Bloomberg- Obama Says Senate Lacks Votes on EFCA:

<http://tinyurl.com/qrsbtn>.

See the video (Senate comment at 3:14 mark):

<http://tinyurl.com/r6dghy>.

Chamber, Other Business Groups "Outmaneuvered" Labor On Card Check

The Los Angeles Times

In the Ozark Mountain town of Rogers, Ark., more than 250 business owners gathered for lunch at a construction company last month to focus on what they saw as a major threat -- a proposal in Congress to make it easier to form labor unions.

At each place setting, attendees found pre-stamped postcards and pre-written letters to be sent to Arkansas' U.S. senators, Democrats Mark Pryor and Blanche Lincoln, who had supported the labor bill in the past. After lunch, the business owners were ushered to computers to send e-mail messages as well.

[Read more](#)

"Compromises" continue to be circulated but workable solutions appear to be unobtainable and from our point of view not a good place

employees the ability to make a fully informed decision.

- Mail-in voting would have workers send in their ballots by mail. However, because unions are legally permitted to visit workers' homes, they could pressure workers to sign and mail the ballots in front of them, taking away any private vote. In addition, such organizing activity could be conducted without the employer ever knowing that a union campaign was going on.
- Union access provisions would require employers who call meetings with their employees to discuss unionization to give unions equal access to their employees, on company time and on company premises. Unions already enjoy the opportunity to meet with employees in a wide array of locations, including their homes (employers must provide the unions with employees' addresses) in ways that the employer is prohibited. Unions are also allowed to make any promises and comments they wish, while employers are restricted in what they can say. Finally, employees who are sympathetic to the union are allowed to approach employees in the workplace and express their support for having a union. Expanding union access is not only unnecessary; it would be disruptive to business operations and expose workers to harassment.
- Baseball-style arbitration refers to a form of binding arbitration used to settle contract disputes in baseball. Both sides present their best offers and the arbitrator picks one or the other. This process encourages both sides to present proposals that are most likely to be picked, rather than including provisions which have no chance being accepted. However, arbitration in professional baseball is

to start negotiating from.

Here's what Senator Nelson had to say to MSNBC earlier...

More evidence card-check **doesn't have a chance this year**? Sen. Ben Nelson (D-NE): "You take away the arbitration issue, and you still have the 'card check', so that doesn't work. You take away the 'card check' and you still have the arbitration problem. And if both go away, you're left with nothing. It's a fool's errand to do this. I just don't see an agreement happening."

<http://firstread.msnbc.msn.com/archive/2009/05/08/1926370.aspx>

Communicate with Your Members!

Many organizations are using the MBL e-newsletter as a regular communications tool by forwarding it on to their interested members. We encourage you to do the same!

3,100 Sign Letter

Approximately 3,100 companies signed the U.S. Chamber's company letter opposing the Employee Free Choice Act. To view the letter and the full list of businesses, click [here](#).

Payroll Stuffer

Over the past few weeks, several coalition members have requested a payroll stuffer to pass on so their members' employees can learn more about the proposed legislation. Click [here](#) to view the proof designed

mutually agreed to by contract; this proposal would use the force of federal law to require businesses to submit to government arbitration. Even if forced arbitration is imposed only when there appears to be "bad-faith bargaining" by an employer, it's expected that the new National Labor Relations Board will side with the unions in finding such "bad faith" in order to trigger forced arbitration of first contracts. This undermines the fundamental concept of collective bargaining and the ability of employers and employees to have a hand in shaping the contract under which they will operate.

- Another provision being talked about would create a two-sided card whereby workers could express a preference to have a union either through the card check process or by secret ballot election. This approach assumes that the employee wants a union-it will disenfranchise employees who do not want a union at all. It would also provide just as much opportunity for union organizers to pressure employees into signing cards as the currently proposed card check organizing scheme, and union organizers could ignore those cards calling for a secret ballot until they got the requisite number to be recognized through the card check process.

Here is the bottom line: unions and their congressional allies are trying to cobble together an alternative to the Card Check bill that could get past the 60-vote hurdle in the Senate - but so far, the proposals on the table are just as harmful to workers and employers. While we do not know when a new bill will be introduced, there are reports it could happen in the coming weeks. Now is the ideal time to make sure your Senators know of your strong opposition to so-called "compromise" proposals such as these. With our economy hanging in the balance, now is not the time to compromise on workers' rights or jobs.

by the U.S. Chamber.

Minnesota Business Leaders: Your Go-To Resource

Click [here](#) for a list of the coalition's contacts.

EFCA Claims

The Truth Behind Claims Made by Proponents of the Employee Free Choice Act...

We continue again this week with a few common claims on card check and the real facts behind them. As previously mentioned, these items are great pieces of information to pass on to your members.

Claim #5: In an election, management has total access to the list of employees at all times, while union supporters may have access very late in the process to a list that is often inaccurate.

Facts: The NLRB requires employers to submit complete and accurate lists of employees within one week of the Board's determination that it will hold an election. The list is then provided to the union. If the employer fails to provide the list or the list is inaccurate, the Board can set aside the election and order another, especially if errors involve a determinative number of voters.

Claim #6: Legislation does not take away the right of a secret ballot.

Facts: Although you state that this legislation protects secret ballot elections and leaves the choice of how to organize up to workers, the actual text in Section 2 of the bill suggests the opposite. In fact, the choice of how to organize, either through secret ballot elections or signature cards, is left to union organizers themselves - and union organizers and workers are not one in the same. Union workers have a vested financial interest in getting workers to sign cards. Even if many workers want a secret ballot election, nothing in the law prevents union organizers from continuing to gather signature cards. And once enough workers, by whatever means necessary, have been persuaded to sign, the legislation states that the NLRB "shall not direct an election," but "shall certify" the union. This means that a secret ballot election would be prohibited under this bill, no matter

how many workers actually wanted one. Claiming that workers could still have an election under EFCA is like claiming that you could still exit an airplane after it takes off — technically possible, but in reality out of the question.

You are receiving this email because you recently joined the Minnesota Business Leaders coalition or you are a chamber or business association in Minnesota that may have interest in becoming active on this issue.

[Unsubscribe](#) <<Email Address>> from this list.

Our mailing address is: 380 Jackson Street, Suite 287, Saint Paul, MN 55101

Our telephone:
651.221.0850

Copyright (C) 2008 Dowell Stute and Associates All rights reserved.

[Forward](#) this email to a friend
[Update your profile](#)