

# 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 4**

**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  
Moorhead

## Coming Soon: MBL Website

Be sure to check out next week's edition of the Minnesota Business Leaders e-newsletter in order to preview the coalition's new website! The site will have all the resources you need on EFCA and will be a great source of information for your members as well.

## EFCA Claims

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

In the coming weeks we will be featuring a few common claims on Card Check and the real facts behind them. These items will be great pieces of information to share with your members.

**Claim #1:** Secret ballot elections take too long and delays of months or years are common.

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

**Facts:** If the National Labor Relations Board does anything right from an employee rights perspective, it is conduct elections. The average time for an election to be held is just 39 days and 94 percent of elections are held within 56 days. It is true that there are some cases that take longer, but these are outliers and hardly justify abandoning the election process.

**Claim #2:** Card check procedures are the most effective way to determine the wishes of a majority of employees.

**Facts:** Federal courts have repeatedly ruled that secret ballot elections are the preferred method of ascertaining whether a union has the support of a majority of employees. As the Seventh Circuit once noted, workers sometimes sign cards not because they intend to vote for the union in an election but to avoid offending the person who asks them to sign, often a fellow worker, or simply to get the person off their back. As the Fourth Circuit has said, it would be difficult to imagine a more unreliable method of determining the real wishes of employees than card check.

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## Outreach Updates

Here's an ad used by the **Owatonna Area Chamber** on Card Check. Let us know if you would like to run something similar!

Winona Area Chamber  
Worthington Area Chamber

## 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 by the U.S. Chamber.

## Card Check in the News

Associated Press:

"New data showing labor unions won nearly two-thirds of private ballot organizing elections last year is prompting some business groups to question the need for Congress to pass a bill that would make it even easier to form unions.":

<http://tinyurl.com/dy9wqe>

Study: Minnesota among leaders in union job-targeting campaign  
FROM THE FINANCE AND COMMERCE (MINNEAPOLIS):

A new study shows that Minnesota is among the most active states when it comes to union "job targeting" programs. The programs, also known as market-recovery funds, offer grants to contractors with organized workers who face competition from non-union bidders. George Mason University's John M. Olin Institute for Employment Practice and Policy conducted the study on behalf of the Associated Builders and Contractors, which has long opposed job targeting. It found that from 2000 to 2007, Minnesota unions put \$109.26 million into job-targeting funds.

<http://www.finance-commerce.com/article.cfm/2009/05/06/Study-Minnesota-among-leaders-in-union->

# Read the Fine Print

Employee Free Choice Act or **Card Check bill** has been introduced this session in both the U.S. House and Senate, and both sides of the issue are gearing up efforts to influence the bill's outcome.

"The Board **shall not direct an election** but shall certify the individual or labor organization as the representative described in subsection (a)."

S.560, Section 2(a)

Even worse, the Employee Forced Choice Act would empower government arbitrators to unilaterally impose a union contract on both employers and workers — and would strip workers of a ratification vote.

"The arbitration panel shall render a decision settling the dispute and **such decision shall be binding upon the parties** for a period of 2 years..."

S.560, Section 3

No private vote on unionization. Union contracts written by bureaucrats. And no chance to vote on your own pay and benefits. How does that help workers or the economy?

The Employee Forced Choice Act  
**The closer you look, the worse it gets.**

**Owatonna**  
AREA CHAMBER OF COMMERCE & TOURISM  
[www.Owatonna.org](http://www.Owatonna.org)

**On Thursday, another EFCA op-ed by George McGovern ran in the *Wall Street Journal*, focusing on the Binding Arbitration provisions in the bill.**

**The 'Free Choice' Act Is Anything But**

*By George S. McGovern*

The recent news that Pennsylvania Sen. Arlen Specter has become a member of the Democratic caucus has given new life to legislation that many

[jobtargeting-campaign](#)

## 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!

## EFCA Toolkit

The U.S. Chamber also has an online EFCA [Tool Kit](#) that has sample letters to Congress, Newsletter articles, and other information to assist you with your outreach.

## Minnesota Business Leaders: Your Go-To Resource

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

thought had been put to rest for this Congress -- the Employee Free Choice Act (EFCA).

Last year, I wrote on these pages that I was opposed to this bill because it would eliminate secret ballots in union organizing elections. However, the bill has an additional feature that isn't often mentioned but that is just as troublesome -- compulsory arbitration.

This feature would give the government the power to step into labor disputes where employers and labor leaders cannot reach an agreement and compel both sides to accept a contract. Compulsory arbitration is bound to trigger the law of unintended consequences.

Currently, labor law maintains a careful balance between the rights of businesses, unions and individual employees. While bargaining power differs depending on individual circumstances, the rights of the parties are well balanced. When a union and a business enter negotiations, current law requires that both sides bargain "in good faith."

In a contract negotiation, each party typically perceives the other as too demanding. But no one loses their right to contract willingly or suffers being forced to agree to anything. Employees can strike if they feel that they have been dealt with unfairly, but it is a costly option. Employers are free to reject labor demands they find to be too difficult to accept, but running a business without experienced employees is itself difficult. Both sides have an incentive to press their demands, but they also have compelling reasons not to press their demands too far. EFCA would disrupt that balance by enabling government-appointed lawyers to decide what they believe is fair or reasonable.

A federally appointed arbitrator cannot be expected to understand the nuances specific to each business dispute, the competitive market position of the

business, or the plethora of other factors unique to each case. Yet fundamental decisions on wages and benefit costs, rules for promotions, or even rules for exiting an unprofitable line of business could fall to federal arbitrators under EFCA.

Many labor contracts can run over 100 pages with their requirements of each party. Compulsory arbitration is, in one sense, government dictating to employees what they will win or lose in the deal, with no opportunity to approve the "agreement." Why should employees pay union dues to get such a contract?

My perspective on the so-called Employee Free Choice Act is informed by life experience. After leaving the Senate in 1981, I spent some time running a hotel. It was an eye-opening introduction to something most business operators are all-too familiar with -- the difficulty of controlling costs and setting prices in a weak economy. Despite my trust in government, I would have been alarmed by an outsider taking control of basic management decisions that determine success or failure in a business where I had invested my life savings.

When it comes to labor disputes, both parties should be guaranteed a real chance for compromise under the joint economic threat of contract breakdowns. George Meany, president of the AFL-CIO for nearly 30 years before retiring in 1979, had it right in condemning mandatory arbitration as "an abrogation of freedom."

My party has well-deserved majorities in both houses of Congress, and I am thankful to have an exceptional president in Barack Obama. But while the Democratic majority in Washington confers the power to reward our loyal supporters, today's problems require solutions that transcend party politics. Even when that means taking unpopular stands.

