



RE: OPPOSE THE EMPLOYEE FREE CHOICE ACT

Dear \_\_\_\_\_:

As an agricultural employer, already struggling to keep U.S. agricultural jobs open in the face of the current economic crisis, I am writing to urge you to oppose the so-called Employee Free Choice Act (EFCA).

The legislation would strip hard-working Americans of the opportunity to keep private their decision whether or not to be represented by a union. It would effectively replace private ballots in union elections with the very public "card check" recognition process, where workers are forced to express their views about the union in front of union organizers, by signing or not signing an authorization card. In a card check campaign, each employee's decision, whether for or against union representation, is made public to union organizers, coworkers and the employer.

Currently, the National Labor Relations Act (NLRA) allows employees to decide whether they wish to be represented by a particular union through a federally supervised private ballot election process. EFCA would effectively replace the secret ballot with the public card check process when the union presents signed authorization cards from a majority of employees.

The card check process subjects employees to increased risk of exposure to intimidation, coercion, and peer pressure, all in an effort to obtain signatures on a majority of cards. It is well documented that union organizers have bullied workers, one by one, to sign authorization cards as part of an organizing drive. Without federal oversight, that temptation will be even greater if collecting authorization cards from a simple majority of workers is all that is needed for the union to become certified as the official bargaining representative.

The fact of the matter is that intimidation and coercion can be leveled by both the employer and the union. A secret ballot process protects employees from abuse by either side. No matter what happens prior to the election, once an individual steps into a private voting booth the decision is theirs alone to make.

Even if there is no overt coercion, the Seventh Circuit Court of Appeals observed, "workers sometimes sign authorization cards not because they intend to vote for the union in the 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."



If EFCA, should become law, employers will be prohibited from making their case why workers should not vote for the union. Workers should be given all of the facts necessary to make an intelligent decision including the fact that joining a union does not guarantee a pay raise, and that if a strike is called, they may be forced go many months without a paycheck, even if they don't support the strike.

Moreover, EFCA contains a provision that mandates compulsory, binding arbitration on the employer and the employees as part the collective bargaining process if an agreement cannot be reached within the first 120 days of negotiations. This misguided language would have a third party, government official impose the terms of a labor contract that are binding upon both parties, even if one or both parties find those terms unacceptable. In fact, employees would not be denied the opportunity to vote on whether or not they approve their new contract. I wonder how this bill can be characterized as "pro-worker."

While agricultural field workers are not subject to the provisions of the NLRA, workers in other agricultural jobs do fall under the provisions of the NLRA. Workers in packing plants, processing plants, and cooling facilities; workers in trucking and transportation; workers who handle commodities of multiple farmers; and workers at many other off-the-farm worksites would be subject to the inherent dangers of the EFCA. And the increased costs of uncompetitive labor contracts will inevitably be passed down to the family farmer.

I am urging you to oppose this legislation. We need to make small businesses, including domestic family farms, more competitive, incentivize the growth of new business, and encourage job creation—passage of the EFCA will result in the opposite.