



TRUCKERS ★ IN ★ ACTION

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MEMBERS NEED TO URGE SENATOR MARK WARNER TO VOTE NO ON THE "CARD CHECK BILL" ASAP

The trucking industry is facing some of the most difficult times it has experienced in decades. As we begin the New Year, a number of economic and political challenges lie ahead. The most important issue we will face in 2009, and perhaps in the history of our industry, is the card check legislation that the new Congress is expected to consider in the very near future.

Passage of this legislation, formally and deceptively called the Employee Free Choice Act, is organized labor's top legislative priority. The principle purpose of the Card Check Bill is to make it easier for unions to organize non-union companies. Because union density has dropped so low (to about 7.5% in the private sector), organized labor is seeking to change the current rules to make it easier to organize employees. Instead of determining whether a union would be certified through a federally-supervised secret ballot election, the union would be certified the moment it collected a majority of signed authorization cards. The Card Check Bill would eliminate the current campaign period and the legal requirements that regulate it, as well as the ability of employees to make an informed decision in private. Instead, employee decisions on unionization would be made in front of union organizers greatly increasing the opportunity for coercion and pressure in the union organizing process.

A secondary, and less well known, purpose of the bill is to amend collective bargaining law so that when a union is recognized for the first time government arbitrators will set all the terms and conditions of the union contract unless the union and the employer can meet unrealistic timelines. Today, the law requires that the parties bargain in good faith and recognizes that the union, representing workers, and the employer are in the best position to determine whether an agreement is acceptable and whether compromising on one goal in order to achieve another is acceptable. The Card Check Bill's mandatory interest arbitration provisions would remove any incentive for the employer or the union to adopt realistic bargaining positions, as each would be posturing for the arbitrator, and would give the arbitrator control of the most basic business decisions. It would also deny employees the right to vote on ratification of the contract.

Finally, the Card Check Bill would increase penalties for employers, but not for unions or others, who violate union organizing laws.

If you think this issue won't impact you because you are a "small business" that the unions won't waste their time on - think again. If this legislation passes, the unions will be looking to proclaim as many quick organizing victories as they can. Thus, they may very well decide to go after "small businesses" that don't have the financial resources to fight back as easy targets to win some quick organizing victories that they can publicize to the media.

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In addition, don't think this issue won't impact you because Virginia is a Right to Work state. It is true that some unions view it less advantageous to undertake organizing campaigns in Right to Work states, since they cannot collect compulsory dues. However, according to the U.S. Chamber, were the Card Check Bill to become law, organizing campaigns would become cheaper and easier for labor unions, making businesses in Right to Work states a more attractive target. Employers subject to such campaigns would not be able to insist on union elections for their workers and would be subject to increased penalties and compulsory interest arbitration of union contracts.

Most political observers expect the bill will easily pass the House early this year, and if passed in the Senate, it will be signed by the President. Last year's effort to pass this bill failed because the Senate could not muster the 60 votes needed to bring the measure to a final vote. The razor-thin party margins in the 2009 Senate may lead to passage of the bill.

Newly-elected Senator Mark Warner of Virginia is a key vote that could determine the outcome of this legislation. It is absolutely critical that every businessman in Virginia contact Senator Warner and urge him to vote against the Card Check bill. Attached are talking points that you can use to write your own letter to send him. Please do not merely copy the talking points and send them to him. To be effective, you need to use these points and personalize them for the negative impact this legislation would have on the future of your business.

How to Contact Senator Mark Warner - You can communicate electronically with Senator Warner by going to the contact form on his website at <http://warner.senate.gov/contact/contact.cfm>. You can also send your letter via fax to (202) 224-6295 (the electronic contact form and fax are preferred due to the need for quick action) or by regular mail to B40C Dirksen Senate Office Building, Washington, D.C. 20510.

Please act TODAY!!! Organized labor is reportedly seeking to amass over one million volunteers to help it lobby for the bill and has made support for the Card Check Bill a litmus test for the candidates it supported in the 2008 elections and who it will support in future elections.

The unions will likely try to get this bill through quickly so you must act within the next week. Senator Warner must feel a lot of pressure from his business constituents who have to let him know that a vote for Card Check is a vote against Virginia's business community.

We hope you will take a few minutes of your time to contact Senator Warner. You may regret not doing so a couple of years from now when the unions show up at your business to conduct an organizing campaign.

For more information on this important issue, please visit the U.S. Chamber's website at www.uschamber.com/issues/index/labor/cardchecksecrbal.htm or the website of the Coalition for a Democratic Workplace (of which the VTA is a member) at www.myprivatevote.com.

(If you do not have Internet access, contact the VTA and we will fax or mail additional information to you).

P.S. We encourage you to have other members of the ownership/management of your company to write Senator Warner as well. In fact, you may want to educate your employees about how this legislation seeks to take away their right to a secret ballot and assist them in writing letters to Senator Warner.

Talking Points
Oppose the “Employee Free Choice Act” (Card Check Bill)
(January 20, 2009)

- Begin your letter by asking Senator Warner to vote against the cloture motion on the Employee Free Choice Act (EFCA) and any other motions that would result in the passage of the EFCA. Explain why the EFCA is bad legislation using the following talking points as a guide.
- Let him know that you are a fair-minded, honest businessman or woman who believes that the pendulum between labor and management relations has not swung in favor of management. All you want to do is protect yourself and your employees from the unbridled power of large unions who are willing to intimidate, coerce and exploit workers for their own gains.
- The so-called “Employee Free Choice Act” (EFCA) would take away a worker’s right to a federally supervised private ballot when deciding whether or not to join a union. The “card check” scheme proposed in the EFCA would subject workers to interference, ***intimidation and coercion***. Taking away employees’ access to a private secret ballot is simply undemocratic and completely contradicts our nation’s efforts to foster and support free elections around the world. In short, the EFCA is fundamentally incompatible with protecting the interests of individual liberty and the principles of a sound democracy.
- This legislation also includes “interest arbitration” language that would force binding arbitration on both the employer and the collective bargaining unit. This creates uncertainty for business planning and diminishes the control employers have over their operations and property. The Employee Free Choice Act is a direct assault on free enterprise that allows a federal government arbitrator to control the operations of private sector businesses by deciding the wages, benefits, and working conditions of the employees.
- Passage of EFCA may reduce employers’ incentives to grow their businesses in Virginia and the U.S. Employers will also face increasing global competition from nations that do not have similar binding arbitration statutes.
- The EFCA is bad legislation for Virginia. The Commonwealth’s ability to recruit and retain jobs is due to its overall positive business climate. If enacted, the EFCA will almost certainly erode the competitive advantage in economic development that Virginia enjoys relative to other states.
- If you have supported Mark Warner in the past and during his campaign for the U.S. Senate, let him know that a vote for cloture and/or for any motions that allow the passage of the EFCA will force you to withhold your support for him for re-election to the U.S. Senate or any other future office he may run for.