

“CARD CHECK”

“The Employee Free Choice Act (EFCA) of 2009” (H.R. 1409 and S. 560) known as “card check” were introduced by Congressman George Miller (D-CA) and the late Senator Ted Kennedy (D-MA). With union membership sliding from 20 percent in 1983 to 12 percent of the labor force today, unions see “card check” enactment as an important step toward reversing their loss of power. However, 2009 marked a year of defeat for union organizers legislatively. According to a September 2009 Gallup Poll, a majority of Americans believes unions hurt the economy, and only 48 percent approve of them overall.

The Petroleum Marketers Association of America (PMAA) represents 8,000 independent petroleum marketing businesses that collectively account for approximately half of the gasoline and nearly all of the heating oil sold in the United States. Passage of “card check” legislation would harm small business petroleum marketers and their ability to remain competitive.

BACKGROUND

The National Labor Relations Act (NLRA) has been in place for 70 years to ensure employers and employees have the opportunity to make their case. The majority of elections are held within 39 days and most union elections are won by organized labor. Under NLRA, if union organizers collect signatures from 30 percent of employees in a bargaining unit, the federal National Labor Relations Board will hold an election to determine whether to certify the union.

The EFCA provisions would undermine an employee’s ability to choose to join a union. Rather than having the ability to vote by secret ballot, the employee would vote in front of a union representative and would be open to threats and intimidation. The legislation would repeal the current system of a federally supervised election process with secret ballots to determine whether employees will have a union in their workplace.

If the EFCA becomes law, it would result in contracts being written by federal arbitrators instead of through the collective bargaining and negotiating process. Under EFCA, if the first contract (where there are protections to make sure both sides negotiate in good faith) is not agreed to within 120 days, the contract would be formed by a panel that may not understand the business or the competitiveness it faces. The 120 day time period is extremely short and would virtually grant the union the ability to stall contract negotiations to obtain more favorable conditions in the contract under a federal arbitration panel. In most cases, the union will go far beyond what the employer would be willing to accept.

“THE ASK”

At a time when our nation needs job creation to lift this nation out of recession, Congress must not pass EFCA. Passage of EFCA would hinder small businesses and force employers to cut jobs. PMAA believes the government should not alter a system that is already working. The current process ensures employees and employers are given the time necessary to have the opportunity to make their case.

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