



The Association of Senior Human Resource Executives

February 13, 2007

The Honorable Rob Andrews
Chairman
Subcommittee on Health Education Labor and Pensions
2181 RHOB
Washington, D.C. 20515

*submitted for the
record by
Mr. Kline
(HR 800)*

Dear Mr. Chairman:

I am writing to clarify a point that was raised at the hearing on February 8 regarding the Employee Free Choice Act and a table from a book that was published by the Labor Policy Association (the former name of HR Policy Association) in 1998. The book, entitled *Employee Free Choice: It's Not in the Cards*, examined the growing phenomenon of card check organizing, covering a broad array of issues. In the hearing, the witness for the AFL-CIO stated that a "recent review of 113 cases cited by the HR Policy Association as 'involving' fraud and coercion identified only 42 decisions since the Act's inception that actually found coercion, fraud, or misrepresentation in the signing of union authorization forms. That's less than one case per year. Compare that to the 31,358 cases in 2005 of illegal firings and other discrimination against workers for exercising their federally protected labor law rights. That's a ratio of over 30,000 to 1." This conclusion distorts the original purpose of the table.

One of the purposes of the book was to examine whether there was a public record of claims that union authorization cards are often signed in response to coercion and misrepresentations or without an adequate understanding of the significance of the cards. The cases cited were intended to be anecdotal and by no means exhaustive of every single NLRB case involving card check abuses, the vast majority of which are disposed of at the regional level and never get reported in an NLRB decision. Performing such a study would be extremely difficult given the significant number of NLRB decisions in the 70-year history of the NLRA. Rather, they were intended to be illustrative of the criticisms that have been lodged regarding the lack of reliability of authorization cards and that only a secret ballot can ultimately determine genuine employee support for a union. Without exhaustive research, no one can accurately state precisely how many NLRB cases have been issued finding abuses in obtaining signatures on union authorization cards.

Thank you for this opportunity to clarify the record.

Sincerely,

Daniel V. Yager

Senior Vice President & General Counsel

cc: The Honorable John Kline

www.hrpolity.org

1015 Fifteenth Street, NW
Suite 1200
Washington, DC 20006-2605

E-mail: info@hrpolicy.org
Tel: 202 789 8870
Fax: 202 789 0064