

HR 800

Submitted to
the record by
Mr. Wilson



February 13, 2007

The Honorable George Miller
Chairman
U.S. House Committee on Education and Labor
Washington, D.C. 20515

The Honorable Howard P. "Buck" McKeon
Ranking Member
U.S. House Committee on Education and Labor
Washington, D.C. 20515

Dear Chairman Miller and Ranking Member McKeon:

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small-business advocacy group, I am writing to express opposition to H.R. 800, the misnamed *Employee Free Choice Act*. This "card check" legislation represents an effort by organized labor to seek union recognition outside of the long protected private-ballot process.

Organizing by card check radically initiates the unionization of small businesses from the outside, not internally by employees themselves. "Card checks" can be conducted so quickly that small employers rarely have a chance to address employees during an organizing campaign, resulting in a one-sided discussion solely between a union representative and an employee. This type of campaign leaves employees vulnerable to harassment, misinformation and union pressure. The current and preferred method for determining whether or not employees want union representation is a private-ballot election overseen by the National Labor Relations Board (NLRB) where neither the employer, coworkers, nor union representatives know how employees voted.

NFIB understands that the purpose of this legislation is to make it easier for unions to unfairly obtain certification in a small business workplace. Election statistics from the NLRB demonstrate that the bulk of union organizing targets small business. For the fiscal year ending September 30, 2005, the NLRB conducted 2649 representation elections. More than 20 percent of these secret-ballot elections involved bargaining units of fewer than 10 employees and a full 70 percent of these elections involved bargaining units of fewer than 50 employees. In addition to already being a significant target of union organizing, small businesses may be the most vulnerable to tactics typically associated with union authorization cards. Small businesses are less likely to have labor counsel and are more susceptible to complicated legal restrictions that employers face during organizing drives.

National Federation of Independent Business

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Furthermore, H.R. 800 contains a provision that mandates compulsory, binding arbitration on the employer and the employees as part the collective bargaining process. This misguided language would have a third-party government official making labor contract decisions within 30 days of mediation that are binding upon both parties. The small business owner would have no real voice in their own business nor would the union employees be provided with the opportunity to vote on their new contract.

Denying workers the protection they are provided by secure and private voting is simply undemocratic. I urge your strong opposition to H.R. 800.

Sincerely,



Dan Danner
Executive Vice President
Federal Public Policy and Political

cc: All Committee Members of the House Committee on Education and Labor

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