

SR-16, As Adopted by Senate, February 19, 2009

Senator Jansen offered the following resolution:

Senate Resolution No. 16.

A resolution to memorialize the Congress of the United States to oppose the Employee Free Choice Act.

Whereas, The right of Michigan employees under the National Labor Relations Act to freely choose to be represented by a labor organization by way of a private ballot election conducted by the National Labor Relations Board is among the most important protections afforded under federal labor law and is at the heart of our Michigan democratic tradition; and

Whereas, For over 70 years, it has been the fundamental tenet of collective bargaining that parties be required to honor an agreement only when each has agreed to its terms. Senator Wagner, the author of the nation's first labor law in 1935, recognized the impropriety of forcing contract terms upon parties through arbitration when he stated, "It is so alien to our American tradition of individual enterprise that it would provoke extreme resentment and constant discord." It is clear that the use of arbitration to establish contractual terms will only serve to undermine the industrial stability that collective bargaining was designed to enhance; and

Whereas, The Employee Free Choice Act, if it becomes law, would eliminate the current federal rights of Michigan employees and employees across the nation to recognize a union by a private ballot and would put in place a card-check process through which employees are forced to make their decision in front of union organizers, leaving them vulnerable to threats, harassment, and abuse; and

Whereas, The recognition of a labor organization by this type of agreement threatens the freedom of Michigan employees and severely limits the ability of the National Labor Relations Board to ensure the protection of Michigan workers; and

Whereas, The private ballot process established and refined through decades of experience carefully balances the interest of employees, unions, and employers to ensure that workers can hear all points of view in the discussion and make a decision in private without intimidation or coercion; and

Whereas, The mandatory arbitration provisions also included in the proposed Employee Free Choice Act 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; and

Whereas, The card-check bill would increase potential penalties against employers but not labor organizations for certain violations of the National Labor Relations Act, and employers would be subject to paying triple back pay and civil penalties of up to \$20,000 per violation; and

Whereas, The vast majority of Americans oppose a card-check process. They agree with holding to the current protections for workers; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to oppose the Employee Free Choice Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.