



March 4, 2009

The Honorable Edward Kennedy
United States Senate
317 Russell Senate Building
Washington, D.C. 20510

SUBJECT: THE EMPLOYEE FREE CHOICE ACT – OPPOSED

Dear Senator Kennedy:

The California Chamber of Commerce is **OPPOSED** to the **Employee Free Choice Act** which proposes to abolish private, secret ballot elections during union organizing drives and allows the federal government to gain more control over private sector employees and employers through government arbitrators deciding the terms of labor-management agreements. This act will hurt America's businesses by driving up costs and forcing employers to be less competitive in a global market.

Only a secret ballot system protects employees from both unions and employers. The current secret ballot system that is overseen by the National Labor Relations Board (NLRB) would cease to exist under this act, and as a result, would open the door for an environment of intimidation and coercion. Because of the public nature of the proposed system, employees could experience immense outside pressure. This would undermine employees' democratic rights and protections of a fair and secret election to determine whether or not to have union representation.

The act also allows a federal arbitrator to write the labor agreement if the parties don't reach agreement within 120 days - an extraordinarily short time for negotiating first contracts. This short deadline provides an incentive for union negotiators to make sure the process lasts long enough to get the matter into arbitration and eliminates any incentive to negotiate in good faith. The contract would be imposed with no ability for either employers or employees to challenge it. It is unnecessarily risky to put a federal government bureaucrat in charge of a company's fate.

The notion of eliminating secret ballot elections in union organizing campaigns is a bad one, and forcing government arbitrated contracts on business is risky. Now more than ever, job creation and economic recovery should be our nation's priority. Labor unions in California and across the nation are experiencing a decline in membership. Bolstering their membership should occur because workers see a need, not by eliminating the secret ballot election process.

For these and other reasons, the California Chamber of Commerce **OPPOSES** the **Employee Free Choice Act**. The California Chamber of Commerce urges you not to coauthor the bill and to **OPPOSE** the **Employee Free Choice Act**, or any bill that attempts to eliminate the secret ballot election in union organizing campaigns.

Sincerely,

Marti Fisher
Policy Advocate

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