

## **RESOLUTION NO. 5**

### **EMPLOYEE FREE CHOICE ACT**

The length of time it takes workers struggling to gain a union at the workplace, then fighting to negotiate and ratify their first contract after gaining recognition should not be longer than the average professional football or baseball-player career.

Something is radically wrong when threats, intimidation and stall tactics are used regularly to thwart the will of workers who simply are seeking a better way of life.

In fact, recent polls have shown as many as 42 million workers would be willing to join a union. Most believe the laws and situations are stacked against them to form a union at their workplace.

That is why union members and others across the country are working with Democratic and Republican members of Congress to pass the Employee Free Choice Act.

First offered last year in the 108<sup>th</sup> Congress, the legislation garnered support from more than 200 members of the House of Representatives and 35 Senators

Because the bill was not passed, the effort has started anew in the 109<sup>th</sup> Congress.

On April 19, Senators Edward Kennedy (D-MA) and Arlen Specter (R-PA) and Representatives Peter King (R-NY) and George Miller (D-CA) reintroduced the measure for the 109<sup>th</sup> Congress. Already the number of legislators in both Houses signed on to sponsor the act is approaching its 2004 level.

The Employee Free Choice Act has three major provisions:

First, it calls for certification of a union as the bargaining unit if the National Labor Relations Board (NLRB) finds that a majority of employees in an appropriate unit have signed authorizations designating the union to be their representative. Basically, the act would make card-check organizing campaigns the law of the land.

Second, it would put an end to delaying tactics to prevent negotiations for a first contract that have been used by many to the detriment of workers. Instead, the measure would allow either party involved in the talks to reach out to the Federal Mediation and Conciliation Service (FMCS) after 90 days. If the FMCS cannot resolve the dispute within 30 days, it may be referred to arbitration whose results would be binding for two years.

Third, just as the NLRB must seek a federal court injunction against unions whenever there is a reasonable cause to believe that the unions have violated secondary boycott prohibitions, the legislations would call upon the NLRB to do the same if there is reasonable cause against an employer who have discharged or discriminated against workers or engaged in action that interferes with employees rights to organize or negotiate a first contract. The act also provides for penalties.

NOW, THEREFORE, BE IT RESOLVED that ITPE-OPEIU Local 4873, AFL-CIO call upon all ITPE members to support and sponsor the Employee Free Choice Act; and

BE IT FURTHER RESOLVED that the ITPEU join with the rest of the AFL-CIO to find ways of bringing the benefits of the trade union movement to all workers and their families who seek a better way of life.