

Proposed Legislation Would Hurt Employers, Workers

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By Danny W. Jarrett

As a native New Mexican and a longtime local business owner, I am encouraged that many New Mexico businesses have not been affected as deeply by these trying economic times as those in other areas of the country. I am also optimistic about many of the domestic and international initiatives President-elect Barack Obama described during his campaign and transition period.

However, I am concerned about a landmark piece of legislation that is likely to be introduced during the early days of the new administration, with the full support of President-elect Obama. The bill, deceptively called the Employee Free Choice Act (EFCA), would completely revise the nation's labor law and threaten the prosperity and viability of many New Mexico businesses that have, so far, weathered the recent economic downturn. More troubling to me is the fact that many New Mexico business owners and executives are completely unaware of this tidal wave of change that may be headed toward our state.

If passed, EFCA would eliminate workers' rights to vote for or against union representation in a secret-ballot election. Under current law, if 30 percent of the workers in a given work unit sign union recognition cards, a union can call for a secret-ballot election managed by the federal government. Each of the affected workers then has the opportunity to vote for or against union representation in a private voting booth, without pressure from peers and union organizers.

Under the proposed EFCA bill, however, if union organizers persuade a majority (50 percent plus one) of the

employees in a proposed group to sign a card, the union is entitled to automatic recognition. In fact, EFCA's language prohibits a secret-ballot election under these circumstances.

EFCA's passage would also mean that once the cards have been signed and the union is in place, the employer must meet with the union and negotiate for an agreement controlling hours, wages and all other terms and conditions of employment. If no agreement can be reached after only 90 days of bargaining and 30 days of mediation, an outside arbitrator would be called in to dictate an agreement which would remain in place for the next two years.

This proposed overhaul of federal labor law means that both employers and employees lose. Employers lose the ability to communicate with their employees about unions, the opportunity to truly bargain over a contract, and, ultimately, the right to manage their businesses — the constraints of which would ultimately be dictated by the whims of an outside arbitrator.

Perhaps more important, however, is what employees lose under EFCA. They lose their right to a secret ballot election, their right to hear information from both the union and the employer in order to make an informed choice, and their right to ratify or approve the contract negotiated by the union.

Despite its name, EFCA removes "choice" for employers and employees alike.

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