



February 18, 2009

Re: Employee Free Choice Act (EFCA) Resolution

To All House Members,

We, the undersigned, represent employers of all sizes across numerous industries, located in every corner of Pennsylvania. Jointly, our members provide more than two million jobs to people in our state. As a group, we represent an overwhelming majority of the private workforce in the Commonwealth. We recognize that the workforce of Pennsylvania is dedicated and talented, and our members strive to work cooperatively with employees—for the good of our state and the broader economy.

With this in mind, we are writing to ask for your **Support of H.R. 73** sponsored by Rep. Curt Schroder. This resolution calls on the Pennsylvania Congressional Delegation to oppose EFCA.

We also write to urge you **NOT** to co-sponsor a resolution to be introduced by Rep. David Levdansky. The accompanying co-sponsorship memo dated Jan. 30, 2009 contains myths based on union rhetoric. In reality, the current process, established and refined through decades of experience, carefully balances the interests of employees, unions, and employers in order to ensure that workers can hear all sides and then make up their minds and vote in private, without intimidation or coercion.

As you know, workers in the United States have the right to unionize, and this right is strongly protected under current law. But just as workers have the right to form unions without threat of retribution, they also have the right to reject unionization if they feel that a union is not in their best interest.

Today, *the private ballot* provides workers with the ability to vote freely, up or down, for unionization, without interference from co-workers, employers, managers, union leaders, or others. EFCA would all but eliminate the private ballot, forcing workers to expose their private votes.

In addition to effectively eliminating the private ballot for union-organizing elections, EFCA includes a number of other ill-conceived provisions, including:

- **Treating every business the same:** A single-site, local company with a few dozen employees is very different from a multinational with tens of thousand of employees. EFCA would treat all these businesses as if they had the same issues and resources.
- **The ongoing threat of forced federal arbitration:** After a union is recognized for the first time, government arbitrators will set all the terms and conditions of the union contract unless the union and the employer can meet a 120 day unrealistic timeline. This mandatory interest arbitration provision 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.
- **New and increased penalties only on employers:** EFCA would increase penalties only for employers, but not for unions or others, who violate union organizing laws. Specifically, an employer could pay fines up to \$20,000 per violation.

Especially in today's economic climate, government should seek ways to bring employers and employees together. We all contribute to the economic health and social fabric of our communities and our nation. Public policy needs to support our positive bonds, not drive new divisions between workers, unions, and employers.

Thank you for your attention to this matter and for your consideration of our position. We would appreciate an opportunity to meet with you to discuss these concerns in more detail.

Sincerely,



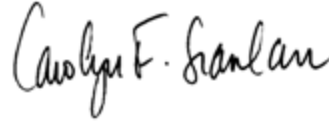
Floyd Warner  
President  
Pennsylvania Chamber of Business  
and Industry



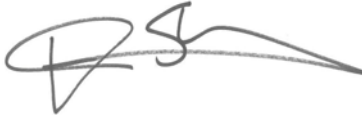
Frederick W. Anton  
President and CEO  
Pennsylvania Manufacturers  
Association



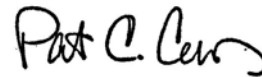
Jim Runk  
President and CEO  
Pennsylvania Motor Truck Association



Carolyn F. Scanlan  
President and CEO  
The Hospital and Healthsystem  
Association of Pennsylvania



Kevin Shivers  
Pennsylvania State Director  
National Federation of Independent Business



Pat Conway  
President and CEO  
Pennsylvania Restaurant Association



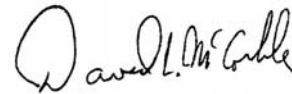
George Ellis  
President  
Pennsylvania Coal Association



Brian A. Rider  
President and CEO  
Pennsylvania Retailers' Association



Susan Staub  
President  
Pennsylvanians for Right to Work, Inc.



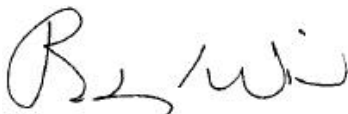
David McCorkle  
President and CEO  
Pennsylvania Food Merchants  
Association



John R. Zimmer, CAE  
President and CEO  
Associated Builders and Contractors, Inc.,  
Keystone Chapter



Jeff Zeh  
President and CEO  
Associated Builders and Contractors,  
Inc., Southeast Pennsylvania Chapter



Barry Wickes  
President  
Pennsylvania Tourism and Lodging  
Association



Michael E. Smeltzer  
Executive Director  
Manufacturers' Association of  
South Central Pennsylvania