

By: Patrick, Dan

S.C.R. No. 51

CONCURRENT RESOLUTION

1           WHEREAS, The Employee Free Choice Act, a legislative priority  
2 of labor organizations, would bring drastic change to the American  
3 workplace, distorting the employer-employee relationship in  
4 fundamental ways; and

5           WHEREAS, Currently, most workers join unions through secret  
6 ballot elections; under the National Labor Relations Act, a union  
7 seeking to represent employees must show the National Labor  
8 Relations Board that there is sufficient interest at a workplace,  
9 typically by collecting employee signatures or signed  
10 authorization cards from 50 to 75 percent of the workforce; the NLRB  
11 holds a secret ballot election after a period in which both the  
12 union and the employer may state their cases; rules forbid  
13 employers to threaten, intimidate, or make promises to employees to  
14 encourage votes against the union, although unions do not have  
15 similar constraints; and

16           WHEREAS, The EFCA would force employers to recognize a union  
17 without an election; the union would merely need to submit  
18 authorization cards from more than 50 percent of employees to the  
19 NLRB in order to gain certification; these cards would be signed  
20 publicly, exposing reluctant workers to pressure tactics and  
21 harassment from organizers, who are paid to recruit dues-paying  
22 members, while employers would be prevented from informing workers  
23 of negative aspects of unionization; and

24           WHEREAS, Moreover, the EFCA would have a profound negative

1 impact on the bargaining process; under the act, if a company and a  
2 newly certified union failed to reach agreement on an initial  
3 contract after 90 days, they would have only an additional 30 days  
4 to reach an agreement with the assistance of the Federal Mediation  
5 and Conciliation Service; after 120 days of unsuccessful  
6 negotiation, the issue would be submitted to binding arbitration  
7 and a government arbitrator would write a contract effective for  
8 the next two years; and

9       WHEREAS, The arbitrator would have little experience with the  
10 company or knowledge of its business practices, yet would dictate  
11 all wages and working conditions; neither the company nor its  
12 employees would be able to appeal the ruling of an arbitrator, who  
13 would not be held accountable for mistakes; an ill-advised ruling  
14 could compromise a company's financial health, possibly sending it  
15 into bankruptcy, or deprive workers of a wage increase they might  
16 have gained through collective bargaining; binding arbitration  
17 decisions can also take an inordinate amount of time, and  
18 uncertainty over future business costs would likely cause a company  
19 to reduce investment until the contract is handed down;  
20 furthermore, the bureaucratic approach of binding arbitration  
21 stifles firms with innovative business models; and

22       WHEREAS, The Employee Free Choice Act is surely a misnomer;  
23 arguably the most far-reaching change in labor law in 70 years, it  
24 strips employees of their privacy and their rights, exposing them  
25 to intimidation and constraining their ability to bargain with  
26 their employers; at the same time, it would have dire economic  
27 consequences, resulting in slower growth and fewer jobs; now,

1 therefore, be it

2           RESOLVED, That the 81st Legislature of the State of Texas  
3 hereby respectfully urge the Congress of the United States to  
4 oppose any efforts to adopt the Employee Free Choice Act or any  
5 similar legislation; and, be it further

6           RESOLVED, That the Texas secretary of state forward official  
7 copies of this resolution to the president of the United States, to  
8 the speaker of the house of representatives and the president of the  
9 senate of the United States Congress, and to all the members of the  
10 Texas delegation to the congress with the request that this  
11 resolution be officially entered in the Congressional Record as a  
12 memorial to the Congress of the United States of America.