



For Immediate Release

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***ENZI HIGHLIGHTS BIPARTISAN LETTER OPPOSING “EMPLOYEE  
NO CHOICE ACT;”  
FORMER NLRB MEMBERS CONDEMN BILL***

**Washington, D.C.** – U.S. Senator Mike Enzi (R-WY), Ranking Member of the Senate Health, Education, Labor and Pensions (HELP) Committee today said a bipartisan group of former National Labor Relations Board (NLRB) members have called on the Senate to reject the so called “Employee Free Choice Act,” H.R. 800, saying there is no better way to ensure true employee choice than protecting the private ballot when workers are faced with the choice to accept or reject union representation.

In remarks on the Senate floor, Enzi highlighted a letter received today from six former members of the NLRB, who were appointed by both Democrat and Republican administrations, which declared the bill “fundamentally flawed.”

“This legislation is not about employees, nor is it about enhancing employee rights,” Enzi said. “This legislation certainly has nothing to do with free choice either. Plain and simple, this bill is about unfairly and artificially boosting organized labor’s steadily declining membership at the expense of essential employee democratic rights.”

“Americans get a private ballot when they choose their President, their Congressmen, their councilmen, even their PTA leaders – why should they not have the same right in the workplace when they decide whether they want a union to become their exclusive, legal representative in their workplace?” Enzi added. “Government’s important role is to guarantee that employees have the maximum freedom possible to make their own choice as to whether they do, or do not wish to be represented by a union in their workplace.”

**Among the objections raised by the former NLRB members were:**

- federal courts, and virtually all experienced labor law practitioners agree that authorization cards sanctioned by the bill are inherently unreliable indicators of true employee choice;
- secret ballot elections are the most fair, accurate and democratic ways to determine a worker’s free choice on any matter;

- binding arbitration provisions included in the bill would radically change the process of private sector, collective-bargaining in the United States and also would do grave damage to that time-honored process; and
- remedial provisions contained in the bill are unnecessary and counter-productive and would allow punitive sanctions, taking away current incentives to voluntarily resolve claims before the NLRB.

Reviewing the letter in his remarks today, Enzi called on the Senate to “flatly reject the notion that we should even further consider this unwarranted and destructive legislation.”

“The Senate has too many matters of genuine substance and importance to be spending time on legislation that is plainly designed to profit special interests at the cost of fundamental employee rights,” he concluded.

**The full text of the letter follows:**

June 25, 2007

Majority Leader Harry Reid

Minority Leader Mitch Mc Connell

HELP Chairman Edward Kennedy

HELP Ranking Member Michael Enzi

We, the undersigned are all former Members of the National Labor Relations Board, and were nominated to serve by both Republican and Democrat Presidents and confirmed by the Senate. In addition, each of us has devoted our respective professional careers to work in the field of labor/management relations. Each of us has carefully reviewed H.R. 800, legislation entitled “The Employee Free Choice Act”; and, based on that review believe that the legislation is fundamentally flawed and should be rejected by the Senate.

We fully agree with the position consistently expressed by federal courts, and by virtually all experienced practitioners that authorization cards are inherently unreliable indicators of true employee choice. There simply is no more fair, accurate or democratic way to determine an individual’s free choice on any matter than through the use of the secret

ballot election.

We are also deeply disturbed by the legislation's binding arbitration provision.

This provision would radically change the process of private sector collective-bargaining in the United States, and such change is neither required, nor beneficial. The success of private sector collective-bargaining in the United States has long been premised on the traditional precept of contract law that the parties that must live up to a contract are the ones that must make the contract. The legislation would, in our view, do grave damage to the process of collective-bargaining in the United States.

Lastly, we believe that the remedial provisions contained in the legislation are unnecessary and counter-productive. Since its inception the National Labor Relations Act has provided that individuals who have suffered a loss because of violation of the Act be "made whole". The Act has never made provision for punitive sanctions. Because of this, the vast majority of claims before the NLRB are voluntarily adjusted and fully resolved in a very short amount of time. Were the remedial provisions of H.R. 800 enacted, Board litigation would increase dramatically, and the voluntary adjustment of claims that has been a hallmark of Board process would inevitably become a thing of the past. While this might be a boon to trial lawyers, it would result in no benefit to employees whose rights have been violated. Indeed, the sole effect on such employees would be to substantially delay their receipt of compensation to which they may be entitled.

For the reasons noted we would respectfully urge the Senate to reject H.R. 800, or any other legislation containing like or similar provisions.

Marshall B. Babson

J. Robert Brame

Charles I. Cohen

Dennis M. Devaney

Peter J. Hurtgen

John N. Raudabaugh