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EMPLOYEE FREE CHOICE ACT

Ready Mixed Concrete Industry Position: The ready mixed concrete industry opposes the so-called *Employee Free Choice Act* because it would take away a worker's right to a federally supervised private ballot election when deciding whether or not to join a union and impose federally mandated binding arbitration on employers. The bill would replace the private ballot with a biased and inferior process which allows a union to organize if a majority of workers simply sign a card. Under this system, the workers' votes are made public to the employer, the union organizers and co-workers. As much, if a workplace becomes unionized and both union and employer cannot decide on contract terms, both parties would be subject federally mandated binding arbitration for a period of two years regardless of economic conditions.

How It Affects Our Industry: The ready mixed concrete industry is committed to defending employer and workers' rights. At a time when the United States spends tremendous resources to foster and support free elections around the world, the *Employee Free Choice Act* (EFCA) would roll back the clock by abolishing federally protected private ballots. No member of the ready mixed concrete industry, employers and union organizers alike, should fear an election conducted by private ballot. It is the only manner in which to protect an individual's freedom to choose without subtle or overt coercion. Nor should ready mixed concrete industry businesses be mandated by federal binding arbitration on how to run their business.

Background: Currently, the most common method for determining whether or not employees want a union to represent them is a private ballot election overseen by the National Labor Relations Board (NLRB). The NLRB provides detailed procedures that ensure a fair election, free of fraud, where employees may cast their vote confidentially without peer pressure or coercion from unions or employers. Union bosses, however, find private ballot elections to be an impediment to unionization. They prefer the EFCA process, where employees are forced to cast their vote in front of union organizers and fellow employees who support unionization. Not surprisingly, there are many examples where these types of elections have been challenged on the basis of coercion, misrepresentation, forgery, fraud, peer pressure and promised benefits.

Under the National Labor Relations Act, employees generally determine whether they want a union through a private ballot election supervised and conducted by the NLRB. To ensure a fair election free of employer and union coercion, the NLRB follows strict procedures. Among other things, an NLRB representative is present and oversees the entire voting process and ensures that neither the employer nor the union can determine how an individual employee votes. While both the employer and the union are present for the election, they are simply observers of the process, and may not speak with the voters or see how a particular employee votes. As well, it is currently customary for unions and employers to come to their own amenable contract terms, rather than have federal imposition that wouldn't be advantageous to union, employer and employees.

Action required: The only way to guarantee worker protection and independent business control is through continued use of a federally supervised private ballot election. Please ask your legislators to oppose the *Employee Free Choice Act*.

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