



June 1, 2007

Hon. Charles Schumer
United States Senate
313 Hart Senate Building
Washington, DC 20510

Senator Schumer:

On behalf of the 2,500 employer member companies of the Buffalo Niagara Partnership, representing over 200,000 employees, I write to you in opposition to H.R. 800, the Employee Free Choice Act (EFCA), currently under consideration in the Senate.

The National Labor Relations Act (NLRA), enacted over 70 years ago, established a system allowing employees to determine whether they wish to be represented by a particular union through a federally supervised secret ballot election overseen by the National Labor Relations Board (NLRB). The Act protects employees by ensuring that both labor and employers have an opportunity to make their case, and those employees are able to express their decision in private – free from coercion and intimidation.

The “card check” process authorized by the EFCA would hand unions a virtually automatic path to recognition – at the expense of employees’ privacy. The change would expose employees to abuse, threats and intimidation all in the name of the union attempting to accumulate the required number of signatures, flying in the face of more than 200 years of secret ballot tradition in America.

It is no secret that the “card check” process is favored by the unions because it eliminates any chances of losing. As an open-ended procedure, campaigns can remain active as long as necessary rather than resolve the issue on a specific date as with an election. This leaves the door open for persistent coercion tactics aimed at individual employees – until, of course, their signatures are collected. It has the real potential to create an atmosphere of intimidation to which no employee should be subjected.

Interestingly, one of our members brought to our attention a repercussion of the process that may not have been considered. In this member’s particular industry, wages and benefits are typically generous for skilled workers. In non-union situations, many workers would be inclined to vote – via secret ballot – against organization, simply because they are content with their current situation. Through the “card check” process, non-union shops may ultimately organize as a result of coercion and political efforts, essentially then forcing an

unnecessary “tax” – i.e. union dues – on these employees that the unions are purporting to “help.”

The decline in union representation among private sector employees has been well-documented, and, looking at both sides of the coin, it is easy to see how EFCA would be a valuable, if not underhanded, tool in quelling that downslide. It is difficult not to notice the irony, however, that a weapon against a decline in union enrollment is a movement glaringly serving the interests of labor as a political entity – rather than the individual worker.

The fact that EFCA includes provisions to increase penalties on employers for certain violations of the NLRA and not union violations illustrates the bias of this bill. Coercion and intimidation tactics are contemptible no matter who is delivering them. On behalf of the employers and employees of the Buffalo Niagara region, I strongly urge you to oppose H.R. 800.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Rudnick". The signature is fluid and cursive, with a large initial "A" and "R".

Andrew J. Rudnick
President & CEO