

SENATE JOINT RESOLUTION 6

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By: **Senators Mooney, Brinkley, Greenip, Harris, Kittleman, and Stoltzfus**

Introduced and read first time: February 6, 2009

Assigned to: Finance

SENATE JOINT RESOLUTION

1 A Senate Joint Resolution concerning

2 **“Card Check” and Forced, Compulsory Arbitration**

3 FOR the purpose of declaring the State’s opposition to federal proposals that seek to
4 eliminate the private election phase of union recognition campaigns and
5 implement compulsory binding arbitration on employers; declaring the State’s
6 support for democracy in the workplace by maintaining every worker’s right to
7 privately decide whether or not to allow a particular union to represent their
8 interests; urging the President of the United States and the United States
9 Congress to oppose legislation that is detrimental to the rights of workers and is
10 an offense against democratic principles by opposing the Employee Free Choice
11 Act and any of its components in 2009 and in future years.

12 WHEREAS, The right to private elections is the cornerstone of American
13 democracy; and

14 WHEREAS, Private ballot elections are the most democratic way to determine
15 employees’ wishes and guarantee an outcome unaffected by outside pressures; and

16 WHEREAS, Federally supervised elections conducted by the National Labor
17 Relations Board have been the accepted law governing union recognition campaigns
18 for 60 years, providing detailed procedures that ensure a fair election, free of fraud,
19 where employees may cast their votes confidentially without peer pressure or coercion
20 from unions or employers; and

21 WHEREAS, Limiting union recognition to signing authorization cards, or card
22 checking, in the presence of union officials, coworkers, and employers does not reflect
23 the unbiased will of employees; and

24 WHEREAS, In recent years the majority of businesses targeted by union
25 campaigns have been small businesses with 50 or fewer employees; and



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1 WHEREAS, Small businesses are more likely to be held captive at the will of
2 union organizing efforts as they have fewer resources for the lengthy legal process of
3 union recognition campaigns; and

4 WHEREAS, Efforts to eliminate private elections are, in effect, an attack on the
5 free speech rights of business and workers' individual rights; and

6 WHEREAS, Compulsory binding arbitration, which would force employers to
7 accept the terms of a first contract if the employer and the union cannot agree, is
8 fundamentally unconstitutional, and will dramatically undermine the ability of any
9 employer to negotiate; and

10 WHEREAS, Compulsory arbitration discourages the parties from offering
11 compromises in bargaining for fear that they may prejudice their position in
12 arbitration; now, therefore, be it

13 RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND, That this State
14 supports democracy in the workplace and seeks to maintain every worker's right to
15 privately decide whether or not to allow a particular union to represent their interests;
16 and be it further

17 RESOLVED, That this State opposes proposals seeking to eliminate the private
18 election phase of union recognition campaigns and implement compulsory binding
19 arbitration on employers; and be it further

20 RESOLVED, That the General Assembly urges the President of the United
21 States and the United States Congress to oppose legislation that is detrimental to the
22 rights of workers and is an offense against democratic principles by opposing the
23 Employee Free Choice Act and any of its components in 2009 and in future years; and
24 be it further

25 RESOLVED, That a copy of this Resolution be forwarded by the Department of
26 Legislative Services to President Barack Obama, the White House, Washington, D.C.
27 20500; and to the Maryland Congressional Delegation: Senators Barbara A. Mikulski
28 and Benjamin L. Cardin, Senate Office Building, Washington, D.C. 20510; and
29 Representatives Frank M. Kratovil, Jr., C. A. Dutch Ruppersberger III, John P.
30 Sarbanes, Donna Edwards, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E.
31 Cummings, and Christopher Van Hollen, Jr., House Office Building, Washington, D.C.
32 20515.