

Department for Professional Employees, AFL-CIO

June 19, 2007

U.S. Senate
Washington, DC 20510

Dear Senator:

The Department for Professional Employees, AFL-CIO (DPE) strongly urges you to vote yes on cloture and final passage of the Employee Free Choice Act (S. 1041). For the professional and technical workers whom the national unions affiliated with DPE represent, the Employee Free Choice Act could deter employer abuses. It could enable these employees more readily and democratically to form the unions that have done so much to develop and sustain the middle class in the United States.

DPE is a coalition of 23 national unions affiliated with the AFL-CIO. Together these unions represent over four million professional and technical workers in more than 300 occupations. Among them are workers in the arts, entertainment, and media; education and information resources; engineering, science, and information technology; health care; and public administration. The DPE is the largest association of professional and technical workers in the United States.

The best opportunity for working men and women – including professional and technical workers – to get ahead economically is by uniting with their co-workers to bargain collectively. Workers who belong to unions earn 30 percent more than nonunion workers. They are 62 percent more likely to have employer-provided health coverage, and four times more likely to have pensions.

More than half of U.S. workers – nearly 60 million of them – say they would join a union if they could. But the system for forming unions is badly broken. The initiation of the National Labor Relations Board (NLRB) election process typically triggers a bitter, divisive, and often lengthy anti-union campaign in which workers are routinely fired, intimidated, harassed, and discriminated against, and one-sided election rules tilt the playing field in favor of employers. It should not be such an ordeal to form or join a union. Workers should not have to be heroes just to exercise their rights under the National Labor Relations Act (NLRA).

S. 1041 would help restore employee free choice by (1) enabling employees to form unions when a majority express their decision to bargain collectively with their employer by signing a union authorization card designating the union as their bargaining representative ("majority sign-up"); (2) establishing mediation and binding arbitration when workers and their employer cannot agree on a first contract; and (3) strengthening penalties for companies that coerce and intimidate their employees.

1025 Vermont Avenue, NW – Suite 1030 Washington, D.C. 20005

Phone: (202) 638-0320 Fax: (202) 628-4379 www.dpeaflcio.org

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Since the NLRA was enacted in 1935, there have always been two ways for workers to form a union: (1) through majority sign-up and (2) through a more formal election process that ends with NLRB-supervised balloting. In fact, today more workers form unions through majority sign-up than through the NLRB election process. In 2004, only about 73,000 workers were able to surmount the obstacles to forming a union through the NLRB process, while about five times as many workers – 375,000 – joined AFL-CIO unions through majority sign-up.

We already have more than 70 years of experience with majority sign-up, so there is no need to speculate about what its effects might be. We know that majority sign-up is associated with a less bitter and polarized environment between employers and employees, less employer coercion, less intimidation, fewer delays, and a freer choice for employees. We also know that there have been no significant problems since 1935 involving coercion in the signing of cards, which is illegal, or with fraud or misrepresentation, which results in the invalidation of affected cards. And we know that the NLRB keeps authorization cards and the identity of card signers confidential and does not reveal this information to the employer.

The difference between existing law and the Employee Free Choice Act is that currently workers can form a union through majority sign-up only if management agrees to recognize their union. But why should management dictate how workers decide whether to bargain with management? The Employee Free Choice Act would let workers – rather than management – make this decision: it would allow workers to petition for certification of the union based on valid authorizations signed by a majority of workers. It should be emphasized that the Employee Free Choice Act would not eliminate secret ballot elections. The NLRA provision that allows workers to petition for a secret ballot election – Section 9(c)(1)(A) – would not be repealed. If workers choose to, they could still file the same petition they file now to request a secret-ballot election supervised by the NLRB.

Finally, first contract mediation and arbitration is another reform necessary to restore employee free choice. Even when workers vote to form a union, many anti-union employers treat the initial bargaining period as an extension of their anti-union campaign. Since the union can be decertified after a year if no agreement is reached, anti-union employers have a powerful incentive to delay bargaining in hopes that employees will become discouraged and withdraw their support for the union. Current law makes it easy for employers to avoid meaningful bargaining, and the result is that in one-third of private sector elections in which workers vote to form a union, they still have no contract one year later. The purpose of first contract mediation and arbitration is to spur the parties to reach agreement on their own, and this is how it works in the Canadian provinces.

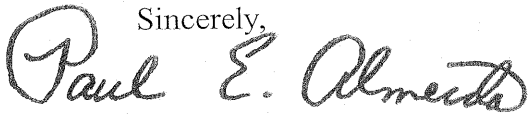
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Until working people are free to decide for themselves whether to bargain with their employer for better wages and benefits, American living standards will continue to suffer, and our middle class will continue to decline. To help restore employee free choice and strengthen the American middle class, it is critically important that you vote yes on cloture and passage of S. 1041.

Sincerely,

A handwritten signature in cursive script that reads "Paul E. Almeida". The signature is written in black ink and is positioned to the left of the typed name.

Paul E. Almeida

President

Department for Professional Employees, AFL-CIO