

Some Federal Bills to Watch

By

John Peterson. LICA Director of Government Relations, 04 MAY 2009

Employee Free Choice Act (EFCA) or “Card Check Bill.” As many of you know, LICA has taken a position opposing the Employee Free Choice (Card Check) Act of 2009. The Bill numbers are H.R. 1409 and S. 560. The EFCA was introduced and referred to committee on March 10th, 2009. The next step is to have a committee vote. The EFCA would deny employees the opportunity to vote in private when deciding whether to have a union in their workplace. Instead, employees would be subject to various pressure tactics by union representatives to sign cards approving a union. This Bill also calls for binding interest arbitration in an initial union contract. This Bill would radically restructure 60 years of carefully crafted and balanced labor law. It is supported by the Obama Administration and many in the Congress. So far the debate on this Bill has not focused on what I consider to be the Bill’s Achilles’ heel, the fact that it is unconstitutional. There is a constitutionally protected right of employees to keep their opinions on controversial issues like unionization to themselves. Only secret ballots are consistent with the First Amendment. Labor organizing has been one of the most contentious exercises in modern American history often leading to violence and intimidation. Demanding that an employee state publicly, by checking “yes” or “no” on a card, would involve real and immediate dangers of intimidation.. Knowing that the Bill is not constitutional will not guarantee that it will not be passed however. We need to be ever vigilant.

National Labor Relations Modernization Act or “Union Access Bill.” The Bill number is H.R. 1355. It was introduced and referred to committee on March 5th, 2009. The next step is for a committee vote. Similar to EFCA, the interest arbitration provisions of this Bill would lead to government appointed arbitrators setting wages, benefits, work rules, and other terms of an initial union contract, as well as new fines on employers. The Bill would also allow unions’ access to the workplace to campaign in the same manner as employers. Like EFCA this Bill would disrupt the balance established in U.S. labor law and could require an employer to subsidize a union’s campaign in effect. My thought is that LICA should oppose this Bill. I will keep watching it.

No Cost Stimulus Act of 2009. The Bill numbers are H.R. 1431 and S. 570. It has been introduced and referred to committee on March 11th, 2009. The next step will be a committee vote. This Bill would grant access to valuable energy resources in the Outer Continental Shelf and portions of the Arctic National Wildlife Reserve, and streamline the permitting and approval process for infrastructure projects. If implemented the Bill could potentially create more than 1.5 million jobs, and could generate trillions of dollars in royalties and tax revenues for the federal government. This could be a Bill that LICA would support.

Family Friendly Workplace Act. This Bill number is H.R. 933, and it has been introduced and referred to committee on Feb. 10th, 2009. This Bill would amend the Fair Labor Standards Act by allowing eligible employees the option of earning compensatory time off in lieu of payment for overtime hours worked. Specifically, employees could earn compensatory time off at a rate of 1.5 hours of paid leave for each hour worked over 40 hours in a workweek, but not accrue more than 160 hours, with any excess time paid out to employees in cash. While the US Chamber of Commerce supports this Bill saying it would allow employers to offer employees increased flexibility in their work schedules and help families’ better balance their personal and work lives, I would like to see some discussion of it within LICA to see how you all react to it. For now I will keep watching it.

Research & Experimentation Tax Credit. This Bill is number H.R. 422 and it was introduced and referred to committee on Jan. 9th, 2009. Again, the next step will be a committee vote. The Bill would extend the Research & Experimentation Tax Credit through 2010. It would also increase and make permanent the alternative simplified research credit, providing much-needed certainty in tax planning for research-related investments through next year. The Bill could help improve the productivity of our economy, preserve and create jobs, and spur economic recovery. For those reasons LICA may choose to support this Bill.