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November 29, 2007

Dear Members of the Senate Labor Committee:

The New Jersey State AFL-CIO supports SJR-68 / AJR-135 and respectfully ask for your support. The resolution urges Congress to enact HR 800, the Employee Free Choice Act (EFCA), which seeks to reform labor law concerning union organizing.

Based on research conducted by Peter D. Hart Research Associates in December 2006, 60 million U.S. workers say they would join a union if they could. Currently the Department of Labor estimates that there are 15.4 union members in the United States in 2006. Unfortunately, often when workers try to gain a voice on the job by forming a union, employers routinely respond with intimidation, harassment and retaliation.

During union election campaigns, management routinely coerces employees to convince them not to choose union representation. According to a survey of National Labor Relations Board (NLRB) election campaigns in 1998 and 1999 by Cornell University scholar Kate Bronfenbrenner, private-sector employers illegally fire employees for union activity in at least 25 percent of all efforts to join a union. This is simply unacceptable and violates a workers' right to freely join a union.

Furthermore, employees not fired fear other types of retaliation if they support union representation. According to the Bronfenbrenner survey, management forces employees to attend group anti-union presentations in 92 percent of all union campaigns. Brent Garren, senior associate counsel for UNITE HERE, told a House subcommittee this past September that 79 percent of workers agreed that they are "very" or "somewhat" likely to be fired for trying to form a union.

The Employee Free Choice Act would reform the nation's labor laws by requiring employers to recognize a union after a majority of workers sign cards authorizing union representation. It also would provide mediation and arbitration for first-contract disputes and establish stronger penalties for violation of the rights of workers seeking to form unions or negotiate first contracts. In short, the process would be similar to vote by mail elections currently being held in several states, all of which are conducted "secret ballot."

The act currently has broad bipartisan support, and passed the House of Representatives in March by a vote of 241-185, with 11 of 13 members of the NJ Congressional Delegation voting in favor. Senators Menendez and Lautenberg are also sponsors of the Senate version. Unfortunately, the bill has been "filibustered" in the Senate, despite gaining a majority of votes to invoke cloture.

Thank you for your attention to this matter and we respectfully ask for your support.

Sincerely,

Charles Wowkanech  
President

Laurel Brennan  
Secretary/Treasurer

CW:LB:jmn  
OPEIU:153