

On motion by Daniel Lorraine, seconded by Rodney Doucet, the following resolution was introduced and adopted;

RESOLUTION NO. 09-034

RESOLUTION IN OPPOSITION TO PROPOSED FEDERAL LEGISLATION OF HR 800 OF THE 2007 SESSION URGING CONGRESS TO AVOID NEGATIVE CONSEQUENCES THAT WOULD RESULT FROM THE PASSAGE OF THE *EMPLOYEE FREE CHOICE ACT (EFCA) KNOWN AS "CARD CHECK"* AND TO SEND THIS OPPOSITION RESOLUTION TO ALL LEGISLATORS AND CONGRESSMEN OF THIS DISTRICT AND THE SURROUNDING AREAS.

WHEREAS, H.R. 800 was introduced in Congress in 2007 by Representative George Miller of California and is currently up for Congressional consideration.

WHEREAS, this federal legislation represents a three-pronged attack on worker rights, each prong of which should be rejected. Specifically, the bill as stated in House report 110-23 stipulates the following:

WHEREAS, the federal legislation strips Workers of the Right to Private Ballot Elections. Current law protects employees from harassment, intimidation, and coercion, and ensures that their voices are heard on the vital question of whether to form and join a union, by providing for a federally-supervised private ballot election conducted and supervised with rigorous scrutiny by the National Labor Relations Board (the NLRB or the Board). Simply put, H.R. 800 would strip American workers of this right. Although bill supporters have attempted to dissemble and characterize mandatory card check recognition as something that has been in the law for 60 years, that is simply not the case. As noted in the Majority's own views, *supra*, H.R. 800 provides that if a union presents a majority of signed union authorization cards to the Board, the union must be certified, and the right of employees to a private ballot election is immediately and absolutely extinguished. This change in the law is unprecedented, unwise, and unsupportable.

WHEREAS, the federal legislation strips Workers of the Right to Vote on Their Collective Bargaining Agreement. H.R. 800, for the first time in the history of federal labor law, provides that if an employer and a union are unable to reach agreement on a first contract within 90 days, the Federal Mediation and Conciliation Service is provided 30 additional days to do so. If the parties cannot reach agreement, the matter is removed entirely from the hands of the employer and the union and a federal arbitrator is charged to set the terms and conditions of employment for all covered employees for two years. Wholly missing from this equation is the voice of workers, and the ability of the men and women who will be forced to live with this contract for two years, to express their views. This provision rewards bad behavior, and allows parties to overpromise, posture, and bargain in bad faith, while devolving all responsibility for the outcome onto a federal bureaucrat. Employers lose, unions lose, but most importantly, workers lose.

WHEREAS, this legislation further imposes One-Sided and Unwarranted Penalties on Employers, but Not Unions. Federal labor law embodied in the National Labor Relations Act ('NLRA' or the 'Act') is a balanced system of rights, responsibilities, and penalties that mete out justice to employers and unions on a fair and level basis. H.R. 800's provisions regarding remedies would, for the first time, require the NLRB to seek mandatory injunctive relief, and impose triple

backpay and civil penalties, on employers who violate specified sections of the NLRA. Wholly missing from the bill's proposal is any provision applying these same penalties to unions who violate the Act. Put more simply, under the bill, an employer who violates the rights of an employee faces harsh and immediate punishment, while unions who engage in exactly the same behavior are not. These provisions unfairly tip the balance of law in favor of one side, and should be rejected.

WHEREAS, in a poll conducted by McLaughlin & Associates of Alexandria, Virginia, of 1,000 likely general election voters in the United States, January 28-31, 2007.

- Almost 9 in 10 voters (87 percent) agree that every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union
- Four in five voters (79 percent) oppose the Employee Free Choice Act;
- When asked to make a choice as to whether a worker's vote to organize a union should remain private or be public information, 9 in 10 voters (89 percent) say it should remain private; and
- Nine in ten voters (89 percent) believe having a federally-supervised secret ballot election is the best way to protect the individual rights of workers. Only 6 percent think that the Employee Free Choice Act's card signing process is better.

WHEREAS, due to the above mentioned reasons this “card check process” steals workers’ rights to a personal, anonymous vote on whether or not they want to pay dues to a union, and all that unionization entails we firmly oppose this legislation.

WHEREAS, this resolution was sponsored for Administration by Mr. Daniel Lorraine, Councilman, District 9; and

WHEREAS, it is recommended by the Administration of the Lafourche Parish Government that the Council adopt this resolution in opposition to House Resolution 800 – Employee Free Choice Act.

THEREFORE, BE IT RESOLVED, that the Lafourche Parish Council convened in regular session on January 13, 2009, and does hereby oppose House Resolution 800 – Employee Free Choice Act; urging congress to avoid the negative consequences that would result from the passage of this resolution.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be processed immediately and forwarded to President Bush, President Elect Barack Obama, the media, the Lafourche Parish State and Federal Delegation of Lafourche, Terrebonne, St. Mary, and Assumption, the Police Jury Association, Louisiana Governor Bobby Jindal, so they will be made aware of our position on this matter; and a copy also forwarded to the Lafourche Parish Government Office of Finance and the Parish Administrator.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS:	Mr. Jerry Jones	Mr. Lindel Toups
	Mr. Michael Delatte	Mr. Phillip Gouaux
	Mr. Louis Richard	Mr. Rodney Doucet
	Mr. Joseph “Joe” Fertitta	Mr. Daniel Lorraine
	Mr. Matt Matherne	

NAYS: None

ABSENT: None

And the resolution was declared adopted this 13th day of January, 2009.

**JERRY JONES, CHAIRMAN
LAFOURCHE PARISH COUNCIL**

**CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL**

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I, CARLEEN B. BABIN, Council Clerk for the Lafourche Parish Council, do hereby certify that the foregoing is a true and correct copy of Resolution No. 09-034, adopted by the Assembled Council in Regular Session on January 13, 2009, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS 26TH, DAY OF JANUARY, 2009.

**CARLEEN B. BABIN, COUNCIL CLERK
LAFOURCHE PARISH COUNCIL**