



# NORTH DAKOTA GRAIN DEALERS ASSOCIATION

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Two Pages Broadcast Fax

To: North Dakota Elevator Managers and all Allied Members

## **EMPLOYEE FREE CHOICE ACT IS BAD LEGISLATION. CONTACT SENATORS CONRAD & DORGAN TO URGE THEY OPPOSE.**

The so-called Employee Free Choice Act (EFCA) was introduced in Congress on March 10. The Senate version is S. 560, sponsored by Senator Ted Kennedy of Massachusetts and 39 others. The House version is H.R.1409, sponsored by Rep George Miller of California and 222 others. This is bad union organizing legislation that could dramatically and permanently upset the balance between management and labor. Already a majority in the U.S. House are sponsors. The battle is in the Senate. ND Senators Conrad and Dorgan should be strongly encouraged to oppose S. 560.

Voting delegates at the Grain Dealers convention in January unanimously approved the resolution on page 2 of this fax. It is posted under Convention Information at [www.ndgda.org](http://www.ndgda.org). You can copy it from there and send it around if you'd like. The NDGDA office has sent that resolution to the ND Congressional Delegation. **But our Senators also need to hear from YOU directly.** Their addresses and email addresses are on page 183 of your 2009 North Dakota grain elevator directory.

Under current federal law, if 30% or more of employees at a business sign a card requesting a vote for a union, the National Labor Relations Board conducts a secret ballot election. This legislation eliminates the requirement for a secret ballot election. Instead, when 50% +1 of the workers sign the card that workplace is unionized. Imagine the intimidation when a union organizer shoves a card in front of a worker and asks if he wants to sign while the organizer watches. It is anything but free choice. The secret ballot provides free choice. Employers are not allowed in the voting booth with the employee during a union election, but this proposal is the mirror image of that, the union organizer being there with the worker.

Under this EFCA there is no guarantee of the employer being able to tell his side and warn of the disadvantages that forming a union could create. Not only is the worker denied a free choice, he is denied the opportunity to make an informed choice. Isn't it strange that members of Congress who are elected by a secret ballot would even be considering legislation to take away that guarantee to workers? This bill is not about the value of or problems with unions. It is about the right to a secret ballot in choosing whether to organize.

You may have seen former SD Senator and 1972 Presidential candidate George McGovern on television campaigning against EFCA. He says he normally supports unions, but not on this one. Polls show that union households are overwhelmingly in favor of the secret ballot. EFCA is being pushed by union officials who see their ranks shrinking. The ND Chamber of Commerce, formerly GNDA, has some excellent information on its website about EFCA. Go to [www.ndchamber.com](http://www.ndchamber.com).

## **SAFETY PROFESSIONAL NEEDED**

NDGDA Safety and Health Director Stu Letcher serves our nation in the Army Reserve. He will be called to active duty training in late April through May; then back for the month of June; then on active duty training/deployment overseas July 2009 into the fall of 2010. NDGDA is in need of someone to take Stu's place during his absence. Your help in finding the right person will be appreciated. Please contact Steve at the NDGDA office with suggestions -- [sstrege@ndgda.org](mailto:ssstrege@ndgda.org)

## **CONTRACTING AND LIEN FILING SEMINARS Mark Your Calendars**

Your ND Grain Dealers Association will be sponsoring two half-day educational seminars in early May. Dates and locations are May 6 in Bismarck and May 7 in Finley. Times to be announced, tentatively mid-day so people can drive in and back during normal business hours.

Presenter on Contracting And Master Trade Agreements will be Dave Barrett, the same guy who covered these topics at convention. Presenter on Lien Filing And Central Notice will be Association legal counsel Brian Bjella from Bismarck.

## **HCR 3048 BONDING STUDY**

Grain Dealers amendments were added to this study resolution by the Senate Ag Committee and the amended version will likely be adopted by the full Senate this week. More emphasis is now on ethanol plants and grain processors. A paragraph about the risk to grain elevators caused by producer defaults has been added. Here's the link to the new and improved version: <http://www.legis.nd.gov/assembly/61-2009/bill-text/JGJA0300.pdf>

## **CP FUEL SURCHARGES**

On March 23 NDGDA contacted CP Rail about current fuel prices being below the threshold price for assessment of their fuel surcharge. NDGDA mentioned either a rebate or lowering the threshold from the current \$2.25 per gallon level. We've been assured of a prompt reply.

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RESOLUTION adopted at 2009 NDGDA convention opposing EMPLOYEE FREE CHOICE ACT  
**WHEREAS** the so-called Employee Free Choice Act is being considered by Congress; and **WHEREAS** this Act abolishes the guarantee of a secret ballot election for union representation; and  
**WHEREAS** the secret ballot is a cornerstone of democracy and used for the election of Congress; and  
**WHEREAS** employees would be subject to union organizer intimidation to sign a card in the presence of union organizer that would be the final vote, and  
**WHEREAS** neither the employer nor the union should be looking over the shoulder of the employee when he or she votes, and  
**WHEREAS** this Act would deny the employer the right to tell his view to employees in the fashion now controlled by established labor law and deny employees the right to hear that view; and  
**WHEREAS** this Act would impose a government settlement should the employer-employee bargaining process go past an arbitrary time frame, and  
**WHEREAS** this Act imposes harsher penalties on employers,  
**THEREFORE** North Dakota Grain Dealers Association calls on Congress and particularly the North Dakota Congressional delegation to oppose this legislation.