

ROLL CALL

Card Check to Create a Colossal Clash

December 8, 2008
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Colorado's Broadmoor Hotel was originally financed with an early 20th-century gold and copper fortune, but these days, management is preoccupied with an altogether different form of prospecting.

This time it's unions, backed by President-elect Barack Obama and Democratic majorities in the Senate and House, who are looking to organize the Broadmoor's maids, bellhops and other unskilled labor through a streamlined process dubbed "card check."

Under a card check election, a union bargaining unit could be formed as soon as a majority of workers signed authorization cards. More vexing to employers, however, is that under the proposed Employee Free Choice Act, the employer would no longer have the right to call for a subsequent secret-ballot vote on unionization.

To Steve Bartolin, who runs the five-star Broadmoor resort in Colorado Springs, the notion of rewriting portions of the 1935 National Labor Relations Act to require card check elections is "un-American."

"If you give people a good working environment and you treat them fairly with dignity and respect, you abide by laws and rules in the workplace today, hopefully there's not a need for that," Bartolin said. "What bothers me about this legislation is that it tilts the playing field in such an unfair manner."

"I can't believe any politician would support that notion," he continued. "It's unfair, it's un-American and it's just not right."

Bartolin and other hotel operators are now taking their gripes to Washington, D.C., gearing up for a nasty legislative fight pitting the business community and union officials against the new Democratic majority.

The U.S. Chamber of Commerce, the Coalition for a Democratic Workplace, hotels and other industries ripe for unionization if card check passes are already well into an advertising and direct-mail campaign.

They say there's no way their members, unions and lawmakers could reach a deal on the Employee Free Choice Act legislation. "Coalition for a Democratic Workplace is not interested in compromise," spokeswoman Rhonda Bentz said. "No provision in that bill is good."

The American Hotel & Lodging Association, a major backer of the Coalition for a Democratic Workplace, said card check would "devastate" its membership, which is half large chains and half mom-and-pop operators.

Card check detractors claim that smaller lodging outfits, which tend to have lean and nimble staffs, would struggle under labor agreements that restrict employees' job duties and require managers to work with union officials on workplace disputes.

Card check first hit the group's radar years ago, but with a Republican in the White House and Congressional Democrats still in the wilderness, they "didn't take it very seriously."

"It never really had any signs of going anywhere, so we looked at it as a pie-in-the-sky answer to union membership, which had been declining," said Marlene Collucci, an AHLA lobbyist.

"We're particularly vulnerable because we're service sector and our employees can't be outsourced," she continued. "And then when you look at the difficult economic times, it's something that could devastate our industry."

Some labor experts draw parallels between card check's origins in the Great Depression and the country's current economic decline.

In 1935, President Franklin D. Roosevelt signed the National Labor Relations Act, written by then-Sen. Robert Wagner (D-N.Y.), to "protect the rights of employees and employers, to encourage collective bargaining, and to curtail certain private sector labor and management practices, which can harm the general welfare of workers, businesses and the U.S. economy," according to the National Labor Relations Board's Web site.

James Gross, a labor policy professor at Cornell University's School of Industrial and Labor Relations, said that "part of the Wagner Act's intent was to get workers off the street.

"There was a fear at the time that there was going to be a revolution in the country," Gross said. "That act was not neutral. Writers of that bill thought all they had to do was to provide them with the election process and they'll choose a unionization."

In the 1930s, said labor historian Steve Early, card check elections — requiring only the one-off approval of a simple majority of employees — was the predominant way workers organized.

The practice continued until the 1970s, he said, when employers reckoned they were better off trying their luck with the National Labor Relations Board. After all, noted Early and others, the 1935 law didn't require employers to recognize card check elections, instead giving them the option of demanding secret ballot votes overseen by the board.

At the same time, labor lawyers were beginning to develop sophisticated anti-union campaigns for employers to sway workers in intervening weeks of those elections.

"There's a whole consulting industry that's developed to advise employers how to stay union-free, part of which is to deliver the message to employees that it's not a good idea," Gross said. "It's a mega-million-dollar industry. It's very effective, particularly in these times."

But card check critics like Bartolin argue that the truncated process is rife with bribes, misinformation and coercion, threatening hotel operators big and small.

"You can run a Holiday Inn Express with 20 employees," he said. "If 11 of them get invited to a pizza party with a keg of beer and they sign cards, they're union members the next day."

Last year, the House passed on a 241-to-185 vote a bill requiring employers to recognize unions organized by a card check. The legislation fell well short of cloture in the Senate, 51 to 48, on a party-line vote. The lone exception: moderate GOP Sen. Arlen Specter (Pa.), who faces a rocky road to re-election in 2010.

Specter and other Members who will face grueling re-election battles this cycle undoubtedly will bear the brunt of outreach by the business community and unions alike. Last year, union membership in the Keystone State rose by 85,000, from 13.6 percent of workers to 15.1 percent, according to the Bureau of Labor Statistics.

“I don’t envy his situation,” Coalition for a Democratic Workplace’s Bentz said of Specter.

Bentz also said that “some Democrats may be having second thoughts” about supporting card check again this Congress — when the president is sure to sign it — while Senate Republicans from union-heavy states, such as Sen. George Voinovich (R-Ohio), may, too, feel the heat from both sides.

A union official said their card check priority list, too, starts with Specter and Voinovich, but also includes Sens. Lisa Murkowski (R-Alaska) and Olympia Snowe (R-Maine). Both are up in 2010.

“We’re going to take a look at all of the Senators that are in cycle and clearly this is going to be a pivotal vote for us,” the official said.

Hotel operators undoubtedly will not be the only ones in the service industry waging an all-out offensive against card check and what they say are the more nefarious provisions of the Employee Free Choice Act.

Although the National Association of Security Companies, which represents security-guard firms, was still mum on card check as of Friday, individual members acknowledge privately that the new law could dramatically affect the firms.

Like hotels, security-guard firms have been relatively successful at keeping unions at bay, an official at Securitas, one of the nation’s largest security-guard providers, said last week. The official said the two sectors pose inherent logistical obstacles for unions because “you couldn’t find [the workers] in most cases.”

“In the old days, the security business was very hard to organize, as were hotel workers and janitors — we’re so spread out,” the official said. “In a factory ... everybody’s right there.”

But with security guards omnipresent in banks, commercial buildings and stores now, the official said check card elections are tailor-made for their ranks.

“We’ve had a target on our back for quite a while.”