

OPEN SHOP GAZETTE

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The Saturday, January 10, 2009, *Orange County Register* ran an article titled “Union workers picket at job site”. It is a shame that I am not able to share with you the 5 X 7 inch photograph that accompanied the article, pickets standing in front of a 20 foot inflatable rat at a busy intersection in Brea. Here is the story written by Lou Ponsi of the *Orange County Register*.

“Close to 40 protesters, mostly union ironworkers, picketed in front of a construction site Thursday morning, alleging that they were denied access to approach non-union workers in a mixed-use project.

Several pickets waved placards and American flags at the base of a large inflatable rat, meant to represent Sanders Construction Services, the company that is building the mixed-use Olen Pointe Brea Apartments.

Sanders is using non-union workers, said union organizer Mike Sherritt of Ironworkers Local Union 416.

Sherritt said union organizers were denied legal access to the site in mid-December in an attempt to talk to non-union workers.

“It’s basically a workers’ rally,” Sherritt said. “Workers are allowed to talk to organizers, even on job sites, so when a developer or general contractor doesn’t allow us access, we hold a protest.

Job site superintendant Scott Lathrop said the organizers are not allowed to approach workers on the job site.

“They have the perfect right to do what they want outside of my gate,” Lathrop said. “They are not covered under our insurance policy and they have not checked in at the office first.”

The development, which houses four stories of one and two bedroom apartments, a two-level parking structure and 2,500 square feet of retail space, should be completed by the summer.

Brea Police stayed close by to ensure that the protest remained peaceful.”

Mr. Doug Bandow of the Competitive Enterprise Institute wrote an editorial in the January 8, 2009, *Orange*

County Register titled “Unions want payback from Obama”.

“Barack Obama has surprised supporters and opponents alike by choosing many centrists for his Cabinet. The leading exception is Labor Secretary-designate Rep. Hilda Solis, a Democrat representing eastern Los Angeles County and a longtime supporter of coercive unionism. Big Labor is pushing so-called card check, hoping to intimidate its way to increased power.

People obviously should be free to join unions. But the vast majority of Americans choose not to do so, which is why organized labor represents 7.5 percent of private-sector workers.

Unions lose 40 percent of representations election. The AFL-CIO complains that companies are blocking “workers’ freedom to form unions and bargain for a better life.”

Labor activists prefer to collect cards rather than contest elections. Employers then have little opportunity to inform workers about the costs of unionization.

Moreover, organizers can employ several forms of persuasion to win signatures. Carl Horowitz at the National Legal and Policy Center warns that card check “opens workers up to undue pressure from union reps and fellow workers who support them.”

The U.S. Chamber of Commerce observes that “the annals of NLRB case law are packed full of examples where card check elections have been challenged on coercion, misrepresentation, forgery, fraud, peer pressure and promised benefits.” Employees report harassing phone calls, groups of union organizers visiting workers’ homes, and threats of violence.

All told, argue James Sherk and Paul Kersey of the Heritage Foundation: “Cards collected under those circumstances often do not reflect employees’ free choice. Consequently, card-check allows union activists to organize plants where a majority of workers oppose the union.”

For this reason, union lobbyists are pushing the hilariously misnamed “Employee Free Choice Act.” The AFL-CIO wants to “level the playing field for workers looking to form unions” by stopping them from voting. If 50 percent

plus one of the workers sign a card, the union will be automatically recognized.

If approved – in 2007 a Senate filibuster launched by a much stronger Republican caucus killed the bill – card would bolster union ranks and budgets. Increased labor revenue would run in the billions of dollars.

Some of the extra cash would go for more organization campaigns. Which would move the United States even more dramatically toward economic stasis – with the U.S. now in recession and a multitude of companies seeking taxpayer bailouts.

Much of new union money would go into politics. Organized labor spent nearly a half-billion dollars in 2008. Bill Darling, the AFL-CIO's legislative director, predicted that a Democratic presidential victory "could be an opportunity for historic change."

Big Labor's overriding strategy is to milk money from the rest of us. One goal is to further tilt labor law towards union organizers. Along with card check, organized labor wants to impose contracts through arbitration, an enormous shift of power away from market to government.

Union leaders also want to promote unionization whenever possible. Moreover, organized labor wants to cripple the Office of Labor Management Standards, which monitors unions and corruption.

Further, the modern labor movement focuses on redistribution rather than production of wealth. Organized labor favors virtually every possible tax increase, spending program and economic intervention.

Opportunities for looting will only grow in the new bailout state.

No wonder a recent Gallup Poll found that only one-third of Americans want unions to have more influence. Even 84 percent of union members support secret-ballot elections.

Ironically, the best argument against the "Forced Unionization Act" comes from its supporters. For instance, labor activists believe in elections when workers are seeking to decertify unions. Citing the Supreme Court, the AFL-CIO argues that the "representation election system provides the surest means of avoiding decisions which are "the result of group pressures and not individual decision."

Seven years ago, Rep. George Miller, a Northern California Democrat and the chief House sponsor of card check, lectured Mexico that "increased use of the secret ballot in union-recognition elections will help bring real democracy to the Mexican workplace." Two years ago Rep. Solis complained that the new chairman of the Congressional Hispanic Caucus

was not chosen through a secret ballot: "It is important that the integrity of the (Caucus) be unquestioned and above reproach."

Alas, President-elect Obama backs what should be called the "Employee No Choice Act." Gerald W. McEntee, president of the American Federation of State, County and Municipal Employees, explained that the bill is "payback" for union support. This explains the nomination of Rep. Solis.

Union officials hope to intimidate their way to victory. The "Secret Ballot Destruction Act" would make all of us poorer."

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On Sunday, November 30, 2008, an interesting editorial written by Richard G. Little, Director of USC's Keston Institute for Public Finance and Infrastructure Policy. The title of this editorial was *Hold the Concrete a Minute* and the point was that if the infrastructure spending was done correctly, it could help our economy rebound.

Rather than go through the entire editorial, I am going to highlight what I considered the most important.

"First is the matter of employment. Despite all the projects supposedly waiting on the shelf and ready to go, we don't have nearly enough trained people for the skilled craft jobs that modern infrastructure projects require. This isn't the pick and shovel work of the Depression; we need a lot more electricians, steamfitters, welders, and heavy equipment operators to name but a few.

A well-thought out public works program should include support for training in the construction trades for the vast number of young and underemployed people for whom college is not the career solution. These are good-paying jobs with the added benefit that they can't be outsourced; construction, like politics, is local. At the same time, we need to be careful that we don't pump money into the economy so fast that California ends up competing with Arizona or Nevada for labor and materials, driving up the prices for both."

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Please plan on attending the Open Shop Luncheon scheduled for Friday, January 30, 2009, 11:30 a.m., at The Island Hotel, Cabrillo Room, 690 Newport Center Dr., Newport Beach. Michael Cable, Esq. and Thomas Lenz, Esq. of Atkinson, Andelson, Loya, Rudd & Romo will be discussing the Democratic/Union controlled plan called the 'Employee Free Choice Act' aka 'Card Check'. Please call (909) 885-7519 to confirm your attendance.

