

DOUGLAS E. BARNHART, President  
J. DOUG PRUITT, Senior Vice President  
TED J. AADLAND, Vice President  
RALPH LARISON, Treasurer  
STEPHEN E. SANDHERR, Chief Executive Officer  
DAVID R. LUKENS, Chief Operating Officer

**AGC of America**  
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA  
Quality People. Quality Projects.



March 4, 2009

The Honorable Neil Abercrombie  
U.S. House of Representatives  
1502 Longworth House Office Building  
Washington D.C. 20515

**Re: Do Not Cosponsor the "Employee Free Choice Act"**

Dear Representative Abercrombie:

On behalf of the Associated General Contractors I urge you not to cosponsor or support the "Employee Free Choice Act." AGC represents more than 32,000 firms (both union and open shop firms), through a nationwide network of chapters. This legislation would have a detrimental impact on how union organizing takes place by removing the secret ballot, forcing an expedited mediation and arbitration process on both parties and subjecting employers to heavy civil fines.

AGC urges you to support the existing process for employees to determine if they would like to have union representation. AGC respects the right of employees to exercise their statutory right to determine whether or not to be represented by a union, but believe that sole reliance on a card-check process as proposed in the so-called Employee Free Choice Act is a poor way to gauge an employees' true preference. The status quo, which allows both card-check and secret ballot elections, remains the fairest way to make this determination.

Under current law, an employer may voluntarily recognize a union if the union presents an adequate number of signed authorization cards or other evidence of majority support. AGC supports this. We also support an employer having the opportunity to establish the validity of such a showing and a union being able to petition the National Labor Relations Board to conduct a secret-ballot of the employees in order to become their bargaining representative.

AGC also is concerned about the bill's mediation and arbitration provisions. Under current law, labor and management have a duty to bargain in good faith over terms of employment without a time limit. The bill would impose arbitrary, short deadlines for negotiations and for mandatory mediation. Moreover, if an agreement still is not reached, the bill would impose binding arbitration, resulting in an outside party dictating the economic terms of a private employment relationship.

Please do not cosponsor or support the so called "Employee Free Choice Act."

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey D. Shoaf', is written over a horizontal line.

Jeffrey D. Shoaf  
Senior Executive Director  
Government and Public Affairs