



July 8, 2009

No Compromise on Binding Interest Arbitration

Dear Senator:

As you and your colleagues continue to debate the numerous important issues currently confronting our nation, we write to express our strong opposition to any effort to pass provisions included in the *Employee Free Choice Act* (H.R. 1409/S. 560), and to ask that you oppose any related legislation presented under the guise of “compromise.”

The Coalition for a Democratic Workplace (CDW), a group of more than 580 organizations, is united in opposition to all provisions in the *Employee Free Choice Act* (EFCA) because we believe this bill severely undermines long standing principles of balance and fairness in federal labor law.

While the issue of card-check organizing has been the focal point of most of the debate surrounding EFCA (and, rightfully so, since card-check would deny working men and women the opportunity to privately decide whether to join a union), EFCA’s imposition of government-mandated, binding interest arbitration on private employers of all sizes will be as detrimental to workplace rights, and even more threatening to job creation than card-check.

Now, proponents of EFCA have begun a campaign to make the radical seem reasonable; suggesting the EFCA’s binding interest arbitration is comparable to the dispute arbitration that can currently be used in the private sector. Nothing could be further from the truth, and these attempts by EFCA supporters to normalize an idea as onerous as government intervention through binding interest arbitration show desperation in regards to a bill whose support is regularly decreasing.

The differences between dispute arbitration and EFCA’s mandatory binding interest arbitration are extremely significant. Dispute arbitration takes place when both parties enter into an agreement to settle a dispute, as an alternative to litigating a disagreement with particular contractual terms. Binding interest arbitration, as proposed in EFCA, allows federal government arbitrators to dictate terms of a labor contract if parties have

not yet come to a voluntary agreement on a first contract within 120 days of good-faith bargaining. EFCA's proposed binding interest arbitration *forces* employees, their union representative and the employer to accept a contract (written by the arbitrator) for two years.

In dispute arbitration, the arbitrators *interpret* the law or previously agreed to contracts or contract terms with a general right of the parties to appeal. However, under EFCA's binding interest arbitration, the arbitrators, who are unlikely to have any relevant business experience, will *dictate the terms of a labor contract* that involves almost every facet of how a business is run, including pay, benefits, and work rules with no right of the parties to appeal the arbitrator's final contract.

In short, under dispute arbitration, arbitrators are interpreting contracts and the law, which is essentially what they are trained to do. Under EFCA, the arbitrators are making business decisions on every aspect of company operations, even though they may lack any business experience, let alone have any expertise with the pertinent industry or specific company.

Clearly, there is nothing common about EFCA's binding interest arbitration. The continued attempts to find a so-called "compromise" on EFCA are running into the same road blocks—the impossibility of negotiating on proposals as radical and out-of-touch as binding interest arbitration and card-check.

We therefore urge you to oppose this job-killing legislation, and to oppose any legislation offered under the guise of "compromise" that alters the nation's long standing and time tested collective bargaining process by imposing any form of mandatory binding arbitration. More information, analyses, and polling data showing that more than 72 percent of voters believe that binding interest arbitration is "unwise and risky," can be found on our coalition's website at www.myprivateballot.com.

Sincerely,

THE COALITION FOR A DEMOCRATIC WORKPLACE:

60 Plus Association
Advanced Supply Chain International
Aeronautical Repair Station Association
Aerospace Industries Association
Affiliated Chambers of Commerce of Greater Springfield (MA)
Alabama Chapter of ABC
Alabama Restaurant Association
Alaska Cabaret, Hotel, Restaurant & Retailers Association
Alaska Chapter of ABC
Alaska Hotel & Lodging Association

Alliance for Worker Freedom
Aluminum Association
American Apparel & Footwear Association
American Association of Homes & Services for the Aging
American Bakers Association
American Beverage Association
American Boiler Manufacturers Association
American Concrete Pressure Pipe Association

American Conservative Union
American Council of Engineering
Companies
American Fire Sprinkler Association
American Foundry Society
American Frozen Food Institute
American Health Care Association
American Home Furnishings Alliance
American Hospital Association
American Hotel & Lodging Association
American International Automobile
Dealers Association
American Meat Institute
American Moving & Storage
Association
American Mushroom Institute
American Nursery & Landscape
Association
American Pipeline Contractors
Association
American Rental Association
American Rental Association of
California
American Rental Association of
Maryland
American Rental Association of
Massachusetts
American Rental Association of
Nebraska
American Rental Association of
Wisconsin
American Seniors Housing Association
American Shareholders Association
American Society for Healthcare Human
Resources Administration
American Society of Employers
American Staffing Association
American Supply Association
American Trucking Associations
American Wholesale Marketers
Association
Americans for a Limited Government
Americans for Prosperity
Americans for Tax Reform
Antelope Valley Chamber of Commerce
API
Arcadia (CA) Chamber of Commerce
Arizona Builders Alliance of ABC
Arizona Chamber of Commerce &
Industry
Arizona Hotel & Lodging Association
Arizona IEC
Arizona Restaurant & Hospitality
Association
Arkansas Associated Builders &
Contractors
Arkansas Hotel & Lodging Association
Arkansas IEC
Arkansas Rental Association
Arkansas State Chamber of Commerce
Asheboro/Randolph (NC) Chamber of
Commerce
Ashland & Tri State Area Chapter IEC
Asian American Hotel Owners
Association
Assisted Living Federation of America
Associated Builders & Contractors
Associated Builders & Contractors Heart
of America Chapter
Associated Builders & Contractors of
Alabama
Associated Builders & Contractors of
Hawaii
Associated Builders & Contractors of
Los Angeles/Ventura
Associated Builders & Contractors of
Michigan
Associated Builders & Contractors of
Texas
Associated Equipment Distributors
Associated General Contractors
Associated Industries of Massachusetts
Associated Rental Stores of Kansas City
Association for Manufacturing
Technology
Association of Equipment
Manufacturers
Association of Millwork Distributors
Association of Washington Business
Association of Woodworking &
Furnishings Suppliers
Atlanta Hotel Council

Automotive Aftermarket Industry Association
Baltimore Metro Chapter of ABC
Bearing Specialists Association
Brick Industry Association
Burnsville (MN) Chamber of Commerce
Business & Industry Association of New Hampshire
Business Solutions Association
California Chamber of Commerce
California Delivery Association
California Hotel & Lodging Association
California Manufacturers & Technology Association
California Restaurant Association
California/Nevada/Arizona Automotive Wholesalers Association
Camarillo (CA) Chamber of Commerce
Capital Associated Industries Inc
Carolinas Chapter of ABC
Center for Freedom & Prosperity
Center for Individual Freedom
Center for the Defense of Free Enterprise
CenTex Chapter IEC
Central Alabama Chapter IEC
Central California Chapter of ABC
Central Florida Chapter of ABC
Central Indiana IEC
Central Michigan Chapter of ABC
Central Missouri IEC
Central Ohio AEC/EIC
Central Ohio Chapter of ABC
Central Pennsylvania Chapter of ABC
Central Pennsylvania Chapter of IEC
Central Texas Chapter of ABC
Central Washington IEC
Centre County (PA) IEC
Chamber of Commerce of Southwest Indiana
Chamber of Medford/Jackson County (OR)
Charleston (SC) Metro Chamber of Commerce
Chattanooga Area (TN) Chamber of Commerce
Chesapeake Chapter of ABC
Chesapeake IEC
Chicago Auto Trade Association
Chicagoland Chamber of Commerce
Cincinnati Regional Chamber of Commerce
Citizen Outreach Project
Cleveland-Bradley (TN) Chamber of Commerce
Coalition of Franchisee Associations
College & University Professional Association for Human Resources
Colorado Association of Commerce & Industry
Colorado Association of Homes & Services for the Aging
Colorado Concern
Colorado Hospital Association
Colorado Hotel & Lodging Association
Colorado Restaurant Association
Commerce & Industry Association of New Jersey
Connecticut Business & Industry Association
Connecticut Chapter of ABC
Connecticut Restaurant Association
Consumer Electronics Association
Copper & Brass Servicenter
Cornhusker Chapter of ABC
Costa Mesa (CA) Chamber of Commerce
Council for Citizens Against Government Waste
Cumberland Valley Chapter of ABC
Custom Electronic Design & Installation Association
Dakotas Inc IEC/Dallas Chapter IEC
Daytona Beach/Halifax (FL) Chamber of Commerce
Delaware Chapter of ABC
Delaware Restaurant Association
Denver Metro Chamber of Commerce
Detroit (MI) Regional Chamber of Commerce
Duluth (MN) Area Chamber of Commerce

East Tennessee Chapter of ABC
East Tennessee IEC
East Texas IEC
Eastern Pennsylvania Chapter of ABC
Eastern Shore Chapter of ABC
Eastern Washington Chapter IEC
El Paso Chapter IEC
Empire State Chapter of ABC
Environmental Industry Associations
Fairfax County (VA) Chamber of
Commerce
Federation of American Hospitals
Fertilizer Institute (The)
FEWA-Marketing & Distribution
Association
Flagstaff (AZ) Chamber of Commerce
Florida Chamber of Commerce
Florida East Coast Chapter of ABC
Florida First Coast Chapter of ABC
Florida Gulf Coast Chapter of ABC
Florida Independent Concrete &
Associated Products, Inc.
Florida Restaurant & Lodging
Association
Florida West Coast Chapter IEC
Food Marketing Institute
Forging Industry Association
Fort Worth/Tarrant County IEC
Freedom Works
Fruita Area Chamber of Commerce
Gases and Welding Distributors
Association
Georgia Chamber of Commerce
Georgia Chapter of ABC
Georgia Hotel & Lodging Association
Georgia IEC
Georgia Restaurant Association
Glendale (AZ) Chamber of Commerce
Golden Gate Chapter of ABC
Goleta Valley (CA) Chamber of
Commerce
Grand Junction Area (CO) Chamber of
Commerce
Greater Albuquerque (NM) Chamber of
Commerce

Greater Bakersfield (CA) Chamber of
Commerce
Greater Cincinnati IEC
Greater Columbia (SC) Chamber of
Commerce
Greater Columbus (GA) Chamber of
Commerce
Greater Decatur (IL) Chamber of
Commerce
Greater Delray Beach (FL) Chamber of
Commerce
Greater Elkhart (IN) Chamber of
Commerce
Greater Findlay (OH) Chamber Inc.
Greater Hamilton (OH) Chamber of
Commerce
Greater Houston Chapter of ABC
Greater Lafayette Chamber of
Commerce (LA)
Greater Louisville (KY) Inc.
Greater Medina (OH) Chamber of
Commerce
Greater Pittsburgh (PA) Chamber of
Commerce
Greater Pittsburgh (PA) Hotel
Association
Greater Raleigh (NC) Chamber of
Commerce
Greater Reading Chamber of Commerce
Greater Shreveport Chamber of
Commerce
Greater Spokane Incorporated
Greater St. Louis IEC
Greater Syracuse (NY) Chamber of
Commerce
Green Bay Area (WI) Chamber of
Commerce
Guam Contractors Association of ABC
Hampton Area (NH) Chamber of
Commerce
Hampton Roads Chapter IEC
Hartford (CT) Chamber of Commerce
Hawaii Hotel & Lodging Association
Hawaii Restaurant Association
Healthcare Distribution Management
Association

Heart of America Chapter of ABC
Heating, Airconditioning &
Refrigeration Distributors International
Henderson (NV) Chamber of Commerce
Hilliard (OH) Chamber of Commerce
Hispanic Alliance for Progress Institute
Hobbs (NM) Chamber of Commerce
Hospitality Association of South
Carolina
Hotel Association of New York City
Hotel Association of Washington DC
Houma Chamber of Commerce
Idaho IEC
Idaho Lodging & Restaurant Association
Illinois Chamber of Commerce
Illinois Chapter of the Associated
Builders & Contractors
Illinois Hotel & Lodging Association
Illinois IEC
Illinois Restaurant Association
Independent Electrical Contractors Inc
Indian River County (FL) Chamber of
Commerce
Indiana Chamber of Commerce
Indiana Chapter of ABC
Indiana Motor Truck Association
Industrial Fasteners Institute
Industrial Supply Association
Inland Pacific Chapter of ABC
Interlocking Concrete Pavement Institute
International Association of Amusement
Parks & Attractions
International Association of Refrigerated
Warehouses
International Council of Shopping
Centers
International Dairy Foods Association
International Foodservice Distributors
Association
International Franchise Association
International Truck Parts Association
International Warehouse Logistics
Association
Iowa Association of Business & Industry
Iowa Chapter of the Associated Builders
& Contractors

Iowa Restaurant Association
Iowans for Right to Work
Kansas Chamber (The)
Kansas City IEC
Kansas Restaurant & Hospitality
Association
Kentuckiana Chapter of ABC
Kentucky & Southern Indiana Chapter
IEC
Kentucky Chamber of Commerce
Kentucky Electrical Contractors
Association
Kentucky Motor Transport Association
Kentucky Restaurant Association
Keystone Chapter of ABC
Lake Havasu Area (AZ) Chamber of
Commerce
Larue County Chamber of Commerce
Las Vegas (NV) Chamber of Commerce
Las Vegas Chapter of ABC
Licking County (OH) Chamber of
Commerce
Little Rock (AR) Chamber of Commerce
Long Beach Area Chamber
Louisiana Association of Business &
Industry
Louisiana Rental Association
Louisiana Restaurant Association
Louisiana Retailers Association
Lower Bucks County (PA) Chamber of
Commerce
Lubbock Chapter IEC
Maine Chapter of ABC
Maine Innkeepers Association
Maine Restaurant Association
Management Association of Illinois
(The)
Manufactured Housing Institute
Manufacturers' Association of NW
Pennsylvania
Maryland Hotel, Motel & Resort
Association
Maryland Motor Truck Association
Massachusetts Chapter of ABC
Massachusetts Restaurant Association

Material Handling Equipment
Distributors Association
MEC-IEC of Dayton, OH
Messenger Courier Association of the
Americas
Metals Service Center Institute
Metro Washington Associated Builders
& Contractors
Metro West (MA) Chamber of
Commerce
Michigan Beer & Wine Wholesalers
Association
Michigan Chamber of Commerce
Michigan Manufacturers Association
Michigan Restaurant Association
Mid Gulf Coast Chapter of ABC
Mid Tennessee Chapter of ABC
Mid-America Lumbermens Association
Mid-Oregon Chapter IEC
Mid-South Chapter IEC
Midwest Equipment Rental Association
Midwest IEC
Minnesota Chapter of ABC
Minnesota Grocers Association
Minnesota Lodging Association
Minnesota Rental Association
Minnesota Restaurant Association
Minnesota Trucking Association
Mississippi Associated Builders &
Contractors
Mississippi Economic Development
Council
Mississippi Hospitality & Restaurant
Association
Mississippi Manufacturers Association
Missouri Restaurant Association
Monroe (LA) Chamber of Commerce
Montana Chamber of Commerce
Montana IEC
Montana Motor Carriers Association
Montana Restaurant Association
Montgomery Area (AL) Chamber of
Commerce
Motor & Equipment Manufacturers
Association

Mountain States Employers Council,
Inc.
Nashville IEC
Natchitoches Area (LA) Chamber of
Commerce
National Alliance for Worker &
Employer Rights
National Apartment Association
National Association of Chemical
Distributors
National Association of Home Builders
National Association of Manufacturers
National Association of Mutual
Insurance Companies
National Association of Real Estate
Investment Trusts
National Association of Sign Supply
Distributors
National Association of Theatre Owners
National Association of Wholesaler-
Distributors
National Automobile Dealers
Association
National Burglar & Fire Alarm
Association
National Center for Assisted Living
National Club Association
National Council of Agricultural
Employers
National Council of Chain Restaurants
National Council of Farmer
Cooperatives
National Council of Textile
Organizations
National Electrical Manufacturers
Association
National Federation of Independent
Business
National Franchise Association
National Grocers Association
National Lumber & Building Material
Dealers Association
National Mining Association
National Multi Housing Council
National Newspaper Association
National Pest Management Association

National Petrochemical & Refiners Association
National Precast Concrete Association
National Private Duty Association
National Propane Gas Association
National Ready Mix Concrete Association
National Restaurant Association
National Retail Federation
National Roofing Contractors Association
National Small Business Association
National Solid Wastes Management Association
National Stone, Sand & Gravel Association
National Systems Contractors Association
National Tank Truck Carriers, Inc.
National Taxpayers Union
National Tooling & Machining Association
National Utility Contractors Association
Nebraska Chamber of Commerce & Industry
Nebraska Grocery Industry Association
Nebraska Hotel & Motel Association
Nebraska Restaurant Association
Nevada Hotel & Lodging Association
Nevada Manufactures Association
Nevada Restaurant Association
New England IEC
New Hampshire Lodging & Restaurant Association
New Hampshire/Vermont Chapter of ABC
New Jersey Business & Industry Association
New Jersey Chapter of ABC
New Jersey Electrical Contractors Association
New Jersey Food Council
New Jersey IEC
New Jersey Motor Truck Association
New Jersey Restaurant Association
New Mexico Chapter of ABC

New Mexico Lodging Association
New Mexico Restaurant Association
New Orleans/Bayou Chapter of ABC
New York State Hospitality & Tourism Association
New York State Restaurant Association
Newspaper Association of America
North Alabama Chapter of ABC
North American Equipment Dealers Association
North Carolina Chamber of Commerce
North Carolina Restaurant & Lodging Association
North Dakota Chamber of Commerce
North Dakota Hospitality Association
North Florida Chapter of ABC
North Las Vegas (NV) Chamber of Commerce
Northeastern Retail Lumber Association
Northern Allegheny County (PA) Chamber of Commerce
Northern Kentucky Chamber of Commerce
Northern New Mexico IEC
Northern Ohio Chapter of ABC
Northern Ohio Electrical Contractors Association
Northern Palm Beach Chamber
Northwest Pennsylvania IEC
Northwest Washington IEC
NPTA Alliance
Offshore Marine Service Association
Ohio Chamber of Commerce
Ohio Hotel & Lodging Association
Ohio Manufacturers Association
Ohio Restaurant Association
Ohio Valley Chapter of ABC
OKC Inc IEC
Oklahoma Chapter of ABC
Oklahoma Hotel & Lodging Association
Oklahoma Rental Association
Oklahoma Restaurant Association
Oklahoma State Chamber
Optical Laboratories Association
Oregon IEC
Oregon Lodging Association

Oregon Restaurant Association
Owatonna Area (MN) Chamber of
Commerce & Tourism
Oxnard (CA) Chamber of Commerce
Pacific Northwest Chapter of ABC
Pacific Printing & Imaging Association
Pelican Chapter of the Associated
Builders & Contractors
Pennsylvania Chamber of Business &
Industry
Pennsylvania Restaurant Association
Pennsylvania Tourism & Lodging
Association
Petroleum Equipment Institute
Plumbing-Heating-Cooling Contractors
Association
Portland Cement Association
Precision Metalforming Association
Printing & Graphics Association Mid
Atlantic
Printing & Imaging Association
Mountain States
Printing & Imaging Association of
Georgia, Inc.
Printing & Imaging Association of Mid
America
Printing & Imaging Association of New
York State
Printing Association of Florida, Inc.
Printing Industries Association Inc.
Serving Northern Kentucky & Ohio
Printing Industries Association of San
Diego (CA)
Printing Industries Association of the
South, Inic.
Printing Industries Association, Inc. of
Arizona
Printing Industries Association, Inc. of
Southern California
Printing Industries of America
Printing Industries of Michigan, Inc.
Printing Industries of New England
Printing Industries of Northern
California
Printing Industries of St. Louis (MO)
Printing Industries of the Gulf Coast

Printing Industries of the Midlands, Inc.
Printing Industries of Utah
Printing Industries of Virginia
Printing Industries of Wisconsin
Printing Industry of Illinois/Indiana
Association
Printing Industry of Minnesota, Inc.
Printing Industry of the Carolinas, Inc.
Professional Beauty Association
ProsperityAlaska.org
Public Service Research Council
Puget Sound Washington Chapter IEC
Recreation Vehicle Industry Association
Redwood Empire Chapter IEC
Regional Legislative Alliance of Santa
Barbara County (CA)
Restaurant & Hospitality Association of
Indiana
Restaurant Association of Maryland
Restaurant Association of Metropolitan
Washington
Retail Industry Leaders Association
Rhode Island Chapter of ABC
Rhode Island Hospitality & Tourism
Association
Rio Grande Valley Chapter of IEC Inc
Rockwell Collins
Rocky Mountain Chapter of ABC
Rocky Mountain IEC
Rogers-Lowell (AR) Chamber of
Commerce
Ruston-Lincoln (LA) Chamber of
Commerce
Sacramento (CA) Metro Chamber of
Commerce
Saginaw Valley Chapter of ABC
San Antonio Chapter IEC
San Clemente Chamber of Commerce
San Diego Chapter of ABC
San Diego North Chamber of Commerce
San Jose Chamber of Commerce
Sierra Nevada Chapter of ABC
Snack Food Association
Society of American Florists
Society of Human Resource
Management

Society of the Plastics Industry (The)
South Carolina Trucking Association
South Dakota Retailers Association
South Florida Chapter Inc IEC
South Texas Chapter of ABC
Southeast Missouri IEC
Southeast Pennsylvania Chapter of ABC
Southeast Texas Chapter of ABC
Southeastern Michigan Chapter of ABC
Southern Arizona IEC
Southern Building Material Association
Southern California Chapter of ABC
Southern California IEC
Southern Colorado Chapter IEC
Southern Hills Business Association
Southern Indiana Chapter-Evansville IEC
Southern New Mexico IEC
St. Mary's County (MD) Chamber of Commerce
Staten Island (NY) Chamber of Commerce
Steel Manufacturers Association
Stuart-Martin County (FL) Chamber of Commerce
Taxpayers League of Minnesota
Tennessee Hospital Association
Tennessee Hotel & Lodging Association
Tennessee Restaurant Association
Texas Coastal Bend Chapter of ABC
Texas Gulf Coast Chapter IEC
Texas Gulf Coast Chapter of the Associated Builders & Contractors
Texas Hospital Association
Texas Hotel & Lodging Association
Texas Panhandle IEC
Texas Restaurant Association
Texas State IEC
Texas Warehouse Association
Texoma IEC
Textile Care Allied Trades Association
Textile Rental Services Association of America
The Real Estate Roundtable
Tooling & Manufacturing Association
Treasure State IEC

Tri-State IEC
Truck Renting & Leasing Association
Truckload Carriers Association
Tucson (AZ) Metropolitan Chamber of Commerce
U.S. Apple Association
U.S. Chamber of Commerce
U.S. Hispanic Chamber of Commerce
U.S. Human Recourses and Ethics Services
United Chambers of Commerce-SFV & Region
United Fresh Produce Association
United Motorcoach Association
Utah Chapter of ABC
Utah Hotel & Lodging Association
Utah IEC
Utah Restaurant Association
Ventura Chapter IEC
Vermont Hospitality Council
Virginia Chamber of Commerce
Virginia Chapter of ABC
Virginia Hospitality & Travel Association
Virginia Manufacturers Association
Virginia Petroleum Convenience & Grocery Association
Virginia Trucking Association
Visalia Chamber of Commerce
Washington IEC
Washington Restaurant Association
Washington State Hotel & Lodging Association
WECA IEC
West Chamber Serving Jefferson County (CO)
West Suburban Chamber of Commerce & Industry
West Tennessee Chapter of ABC
West Texas IEC
West Virginia Chamber of Commerce
West Virginia Chapter of ABC
West Virginia Hospitality & Travel Association
West Virginia Oil Marketers & Grocers Association

Western Carolina Industries
Western Colorado Associated Builders
& Contractors
Western Colorado IEC
Western Growers Association
Western Michigan Chapter of ABC
Western Pennsylvania Chapter of ABC
Western Reserve Chapter IEC
Western Washington Chapter of ABC
Wholesale Florist & Florist Supplier
Association
Wichita Chapter IEC
Wisconsin Chapter of ABC
Wisconsin Innkeepers Association
Wisconsin Manufacturers & Commerce
Association
Wisconsin Motor Carriers Association
Wisconsin Restaurant Association
Wyoming Lodging & Restaurant
Association