



May 22, 2009

TO ALL MEMBERS OF KENTUCKY'S CONGRESSIONAL DELEGATION:

As Kentucky's largest business organization with more than 2,700 members, representing over half of the Commonwealth's workforce, we are writing to express our strong opposition to the Employee Free Choice Act. We also want to encourage you to oppose the so-called compromises on the issue such as "quickie elections", "mail-in voting", "union access", and "baseball-style arbitration." So far, all of the proposed compromises would do as much harm to business as the original. As you are aware, the Employee Free Choice Act consists of three main provisions, each of which is unacceptable to business:

- 1) Elimination of the Secret Ballot: This legislation mandates that a union be recognized if a majority of employees in a designated bargaining unit sign authorization cards. If this provision is enacted, the current system where a federally supervised election process with secret ballots determines whether employees will have a union in their workplace would be effectively eliminated. The secret ballot ensures that neither the employer nor the union knows how someone votes. In contrast to the secret ballot, the card check process would expose employees to a "free for all" environment where any tactic for getting a signature could be used. It has been well established through court cases, precedent under the National Labor Relations Act, and testimony on Capitol Hill of former union organizers that the card check process of obtaining signatures is routinely characterized by harassment, intimidation, and coercion, including employees being threatened in their homes and other locations away from the workplace.
- 2) Government imposed arbitration: The second provision would result in contracts being written by federal arbitrators instead of the process of collective bargaining and negotiating. Currently, after a union has been recognized, the parties bargain to a first contract where there are protections to make sure both sides negotiate in good faith. Under EFCA, if a first contract is not agreed to within 120 days (which is an extremely short time period for these negotiations) the matter would have to be submitted to binding interest arbitration and a contract developed by a panel with likely no understanding of the business, or the competitive forces it faces, would be imposed on the company for two years. This contract would cover precise details of how that business would operate for the duration of the contract such as the wages, benefits, ability to use employees most productively, and how many employees would be used for specific tasks. This process would virtually always result in a contract that is beyond what the employer is prepared to accept and provides a strong incentive for the union to undermine the collective bargaining process to ensure that the process lasts long enough to end in binding arbitration.
- 3) Unreasonable and one-sided penalty expansion: Finally, the Employee Free Choice Act imposes dramatic new penalties on employers for violations of the National Labor Relations Act, but not a single new penalty on unions or labor organizers. Under one provision of the new penalty structure, employers would be vulnerable to an injunction reinstating a dismissed employee if that employee, or the union seeking to represent him

or her, merely alleges that the dismissal was because of union activity. Such a low threshold makes a mockery of traditional labor law due process.

The EFCA is an unprecedented attempt by organize labor to change the rules regarding union organization. Because union membership now consists of only 7.5 percent of the private sector workforce, organized labor needs the EFCA to gain an unfair advantage in union organizing. Unfortunately, the EFCA upends decades of settled labor law at the expense of both employees and employers.

The Kentucky Chamber has heard vocal opposition from more companies on the EFCA than any other issue. For these reasons the Kentucky Chamber and the following member companies that have contacted us specifically on this issue urge you to oppose EFCA as well as any procedural votes which would lead to its passage.

Sincerely,



Dave Adkisson  
President and CEO

A & S Tool & Gage, Inc.  
A. Arnold World Class Relocation  
Abell Elevator  
Adco Inc.  
AC Plus Marine, Inc.  
Accessible Home Health Care of the Bluegrass  
Accretia Production, Inc.  
Albany-Clinton County Chamber of Commerce  
Allied Communications, Inc  
Alpha Natural Resources  
American Nursing Care, Inc.  
American Service Group  
American-Mercy Home Care  
AMS Temporaries Inc.  
Apex Contracting, Inc.  
Ashby Electric, Inc.  
Asmark Institute, Inc.  
Associated Tube USA, Inc.  
Associates in Health Care, Inc.  
Atlas Services LLC  
Auburn Leather Company  
AXIS Medical Management, LLC  
B.C.D Inc.  
Bada Company  
Baird Plumbing & Heating Co Inc.  
Bandy Carroll Hellige  
Bane & Warren Rentals

Barbati Enterprises  
Barbourville Nursing Home, Inc  
Beacon Electric Service, Inc.  
Belden  
Bell Concrete Industries, Inc.  
Blaze Products  
Bluegrass Care & Rehabilitation  
Bluegrass Packaging Industries  
Bluegrass Supply Chain Services  
Boat Works  
Bowen Tire Company  
BR Associates, Inc.  
Bray Trucking Inc.  
Brown's Auto Group  
Buffalo Wild Wings - Louisville, KY  
Builders Drywall LLC  
Cambria Suites Indianapolis Airport  
Campbellsville Apparel Company  
Candlewood Greenwood  
Carpet One  
CBRE | Louisville, LLC  
Cecilia Farm Service, Inc.  
Cedar Lake Lodge & Residences  
Charah Environmental Co.  
Cherokee Management  
Cincinnati Marriott At Rivercenter  
Citizens Bank  
City Auto Trim Shop, Inc.  
City of Russellville

Classic Cabinets & Millwork  
Clay's Seed Inc.  
Commonwealth Bank & Trust Company  
Commonwealth Hotels, Inc.  
Community Mercy Home Care  
Conrad's Food Store, Inc.  
Continental Web Press  
Corbin Nursing Home  
CoreTrans, LLC  
Courtyard Cincinnati Airport  
Courtyard Vallejo / Napa Valley  
Cowen Properties, LLC  
Credit Bureau Systems, Inc.  
Cumberland Gap Provision  
D&F Electric, Inc.  
Danville-Boyle County Chamber  
Dave Austin Insurance  
Davis Printing  
Days Inn Georgetown  
Dwyer DesignScapes  
Eagle Trailer Rental  
Edge Realty & Development, LLC  
Edwards Construction, Inc.  
Electronic Business Machines, Inc.  
Elkhorn-Hazard Coal Land, LLC  
Elliott County News  
Ellison Group  
E-Max, Inc.  
Enersys  
Ervin Cable Construction, LLC  
Fairfield Inn Tampa East  
Faulkner Real Estate  
Faulkner-Fain Co Inc  
FetterGroup  
Fikeco, Inc.  
Fire Alarm Pros  
FloorPro, Inc.  
Fred Clements Heating & Air Conditioning  
Gateway Press, Inc.  
Gilpin Construction Company  
Glier's Meats Inc  
GMENI Marine Electronics  
Gold's Gym  
Good Samaritan Home Care  
Graydon, Head & Ritchey, LLP  
Grayhawk, LLC  
Green Meadows Health Care Center  
Green River Appliance Company  
Grover Tire Company, Inc.  
H & N Drug Inc.  
Hampton Inn & Suites  
Hampton Inn Cincinnati Airport  
Hampton Inn Cincinnati Riverfront  
Hampton Inn Louisville Airport

Hampton Inn Louisville North  
Hargett Corporation  
Harlan Nursing Home  
Hazard Nursing Home  
Heritage Park  
Hillcrest Nursing Home  
Hilton Garden Inn Gulfport-Biloxi Airport  
Hilton Garden Inn Reno  
Hi-Tech Mold & Tool, LLC  
Hodgenville Machine & Tool  
Holloway & Son Construction  
Hurstbourne Care Center Rehabilitation  
Hyden Nursing Home  
IH Lumber LLC  
Ikerd Management  
Image Graphics, Inc.  
Industrial Machine Services Inc.  
Innovative Display Products, LLC  
Integrity HR  
International Crankshaft, Inc.  
Intertape Polymer Group, Inc.  
Isaacs Lumber Company  
Isopure Corp  
ITW - Hobart Corporation  
ITW Powertrain Fastening  
J B Distributors, Inc.  
J. Anderson Enterprises LLC  
J. C. Cates Construction Inc.  
J. M. Smucker, LLC  
Jackson Wholesale Company  
Jiffy Fastening Systems Inc  
Joseph S Bowling Co  
Katayama American Company Inc.  
Kentuckiana Sprinkler Co Inc.  
Kentucky Ballet Theatre  
Kentucky Bank  
Kentucky Hotel & Lodging Association  
Kentucky Lighting & Supply  
Kentucky Manufactured Housing Institute  
Kentucky River Medical Center  
Kentucky Trailer  
King Tool Co., Inc.  
King's Daughters Medical Center  
Kinser & Kinser Heating  
Knott County Nursing Home  
Kopperud Realty  
Korfhage Landscape & Designs  
KV Flooring  
Kyler Bridge Company Inc  
Landmark Engineering  
LaRue Insurance Inc.  
Laurel Cookie Factory  
LBJ Blasting, LLC  
Lee County Care & Rehabilitation Center

Leininger Cabinet & Woodworking Inc.  
Logan's Healthcare Linen Systems  
Lord Corporation  
Louisville Cooler Mfg. Co.  
Louisville Mill Supply Co  
Louisville Trust Company  
Luvata Franklin Inc  
Machinery Sales & Services, LLC  
Madisonville Contractors  
Magni Industries  
Management Advisors, Inc  
Master Built Cabinets Co.  
Max Arnold & Sons LLC  
Mayfair Manor  
MAZAK Corporation  
McCloud Claims Service, Inc.  
McNeals Inc.  
Mid-America Equipment Retailers  
Association and KIAWA  
Mineral Labs, Inc.  
Modern Welding Company  
Montgomery County Schools  
Motion Design Group, LLC  
Nall's Inc  
Niemco Fabricators, Inc.  
Nimco Inc  
Nor-Com Space Planning & Engineering  
Northern Kentucky Convention & Visitors  
Bureau  
NPR Manufacturing KY, LLC  
Nutrition & You Health Center  
Oakmont Manor  
Ohio Valley Aluminum Co.  
Parkway Regional Hospital  
Parsons & Associates LLC  
Perry Oil Company  
Phillip Patterson Painting, Inc.  
Pike 27 Auto Parts & Sales, Inc.  
Pikeville Medical Center  
Popp Machine & Tool, Inc.  
Precision Walls, Inc.  
Preferred Case Management, LLC  
Process Machinery, Inc.  
Quality Personnel  
R & W Development Inc.  
R. R. Crawford Engineering, Inc.  
Reid - ANC Home Care  
Reitman Auto Parts & Sales, Inc.  
Residence Inn Cincinnati Airport  
Residence Inn Gulfport-Biloxi Airport  
Residence Inn Louisville Airport

Richmond Auto Parts Technology  
Riverview Health Care Center  
Rizzo Brothers Painting Contractors, Inc.  
Rockcastle Health and Rehabilitation Center  
Roll Forming Corporation  
Saint Jospeh - ANC Home Care  
Saint-Gobain Quartz  
Scheu & Kniss  
Senninger Plumbing Co., Inc.  
Senture, LLC  
Shelby Industries  
Sherwin-Williams Richmond Plant  
Distribution & Service Center  
Sierra Farm  
Signature Healthcare LLC  
SKF  
Snapflo Inc.  
Somerset Recycling Services  
Southern Lanes Inc.  
Southland Mfg. Co., Inc.  
Sportable Scoreboards, Inc  
Springhill Suites Midtown  
Springhill Suites Louisville Airport  
St. Elizabeth-ANC Home Care  
Stewart-Richey Construction  
Stone Plastics, Inc.  
Straight Solutions, LLC  
Strata Services, Inc.  
Sumerset Acquisitions LLC  
Sun Products Corporation  
Superior Battery Mfg., Inc.  
T. W. M. Enterprises  
Teco Mechanical Contractor  
Thacker, Bickel, Hodskins, & Thacker LLP  
The Bo-Hart Company, LLC  
The Photosmith, LLC  
The Wells Group, LLC  
Todd Johnson Contracting, Inc.  
Toebben Companies  
Trace Creek Construction, Inc.  
Trey K Electric  
Turbocharged Leadership  
UniFirst Corp.  
United Warehousing Company  
Vermeer of Kentucky  
Vincent Fister, Inc.  
Williamsburg Nursing Home  
WKLW Radio  
Wolfe County Health Care Center  
YMCA of Central Kentucky  
Young Manufacturing Company Inc.