



ASIAN AMERICAN HOTEL OWNERS ASSOCIATION

7000 PEACHTREE DUNWOODY ROAD
BUILDING NO. 7
ATLANTA, GEORGIA 30328
(404) 816-5759 PHONE
(404) 816-6260 FAX
WWW.AAHOA.COM

Open Letter to Members of the U.S. Congress In OPPOSITION To The Employee Free Choice Act

October 10, 2008

We are signing this open letter as hoteliers and small business owners to urge you to vote **AGAINST** the Employee Free Choice Act, aka the Card Check Bill (H.R. 800/S. 1041). As members of the Asian American Hotel Owners Association (AAHOA), we strongly oppose the Act because it deprives all employees of important rights they have in the workplace.

The Act will eliminate an employee's right to a federally-supervised private ballot election, and replace it with a "card check" process. As you are aware, the secret ballot process is a hallmark of American society, and should not be eliminated so that union organizers will have an easier time forming unions in the workplace.

The Act will create the potential for intimidation and threats if an employee does not want to sign a card to form a union. Under the card check process, employees will be asked to openly choose their preferences for representation in the workplace in front of union representatives and other employees. The results of each employee's decision will be known to the union representatives, and also to their employers. If an employee does not wish to sign a card, he/she could be pressurized to do so by union organizers or other employees. No employee should ever face intimidation or threats in the workplace for any reason, especially if it is based on the question of whether to form a union.

The Act will allow a union to be formed very quickly if more than 50% of the employees sign cards. Under the Act, if more than 50% of employees sign cards, the National Labor Relations Board must recognize the results and certify a union. This means that union organizers could arrive at a place of business on Friday afternoon to collect signatures on the union cards, and a union could be formed by Monday morning if more than 50% of the employees sign the cards -- without the employer or other employees even being aware that a card-signing campaign had been started.

The Act will allow the Federal arbitration board to make decisions about employment conditions if the employer and the union organizers cannot reach an agreement. Under the Act, after a majority of employees have signed union cards, there are strict timelines concerning the collective bargaining negotiations. If an agreement cannot be reached, the Federal arbitration board will be authorized to determine the terms of employment and benefits for each employee. The decision of the arbitration board will be binding on the employer for 2 years.

The key components of the Act are identified in the box below.

Due to a concern about the impact of this legislation on the American workforce, and the detrimental effects it could have on small business owners and the hotel industry at large, we strongly urge you to OPPOSE this legislation, and vote AGAINST the Employee Free Choice Act (aka the Card Check Bill).

Thank you for your attention to this very important matter.

The Card Check Bill (H.R. 800/S. 1041):

- Amends prior law to remove an employee's right to secretly vote on the question of forming a union in his/her workplace;
- Amends prior law to allow union organizers to ask employees to openly sign cards in their workplace if they want to form a union;
- Amends prior law to make it easier for small businesses to become unionized;
- Amends prior law to require that employers, and the National Labor Relations Board (NLRB), immediately recognize the results of a card check campaign;
- Provides that the NLRB will certify the union if a majority of employees have signed these cards;
- Requires that collective bargaining negotiations must begin within 10 days of certification;
- Provides for intervention by the Federal Mediation and Conciliation Service (FMSC) if an agreement is not reached after 90 days of bargaining;
- Provides for referral to the Federal arbitration board if agreement cannot be reached within 30 days after FMSC intervention;
- Makes the decision of the arbitration board binding for 2 years;
- Affords priority to allegations of unfair labor practices by employers during an organization drive, and requires the NLRB to seek injunctions against employers;
- Increases the remedies for such unfair practices;
- Increases back pay restitution; and
- Provides a \$20,000 civil penalty for the employer for each violation.

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