



July 30, 2009

The Honorable Arlen Specter
United States Senate
Washington, DC 20510

Re: Employee Free Choice Act (EFCA)

Dear Senator Specter:

As representatives of employers large and small from across Pennsylvania, we express our gratitude to you for your stated opposition to the legislation and cloture motion. We understand, however, that a compromise is being discussed that would still allow some provisions of EFCA to become law.

We want to state clearly that the employer community sees no place for compromise on legislation that is so fundamentally flawed. Dropping the provision that would effectively eliminate the private ballot for union organizing would be good news for the protection of worker freedoms. However, the biggest threat to job creation and retention remains in play – government binding arbitration. Passing a bad provision of a bad bill in the name of “compromise” is not a good solution for Pennsylvania employers or employees.

Regardless of the time frames established in the bill or in any “compromise,” binding arbitration is a job killer that takes critical workplace decisions out of the hands of both employees and employers and substitutes the priorities of outside federal government arbitrators. Contracts imposed by a government arbitrator would cover not only wages,

benefits and workplace rules, but could even impact a company's operating strategy. A business would have no recourse to address onerous provisions, and, as written, workers would have no vote on the initial two-year contract. It is hard to imagine how a federal bureaucrat could better understand a company's operations and worker priorities than company owners and workers themselves.

Binding arbitration would significantly harm job creation and the economy in general. According to a recent study by noted economist Dr. Anne Layne-Farrar, mandatory arbitration would result in a 1 percentage point rise in the unemployment rate in the year following enactment.

Other "compromise" language is also concerning. In place of EFCA's card check provisions, expedited unionization elections are being discussed. It is unclear whether the National Labor Relations Board can meet an expedited schedule of having elections within days of being presented with signed cards. What is clear, however, is that this provision is designed to muzzle employers and prevent them from weighing in on the relative merits of unionization. Interestingly, reports are that a so-called "compromise" would allow organized labor greater access to employees in the workplace.

Continuing with this blatantly unfair double standard, reported compromise language would call for punitive fines and sanctions against employers, but not against organized labor.

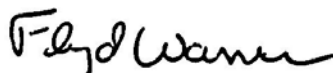
The concerns spelled out above are simply non-starters for the business community in any discussion of potential improvements to the NLRB.

The businesses represented by our organizations provide more than two million jobs in Pennsylvania. We are proud of our state's dedicated workforce and recognize that businesses succeed when employers and employees work together. Public policies should strengthen workplace ties, not impose new rifts. We therefore again urge you to maintain your opposition to EFCA or any legislation offered in the name of compromise that would so endanger our state's and our nation's economic prosperity.

Our members look forward to hearing from you on this issue as you travel around the Commonwealth during Congress' August recess.

Thank you for your consideration. We look forward to your leadership on this issue.

Sincerely,



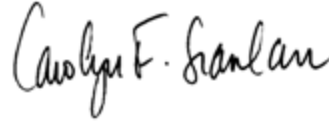
Floyd Warner
President
Pennsylvania Chamber of Business
and Industry



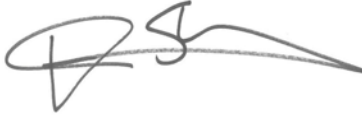
Frederick W. Anton
President & CEO
Pennsylvania Manufacturers
Association



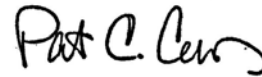
Jim Runk
President & CEO
Pennsylvania Motor Truck Association



Carolyn F. Scanlan
President and CEO
The Hospital & Healthsystem
Association of Pennsylvania



Kevin Shivers
Pennsylvania State Director
National Federation of Independent Business



Pat Conway
President & CEO
Pennsylvania Restaurant Association



George Ellis
President
Pennsylvania Coal Association



Brian A. Rider
President & CEO
Pennsylvania Retailers' Association



Susan Staub
President
Pennsylvanians for Right to Work, Inc.



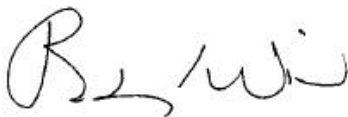
David McCorkle
President & CEO
Pennsylvania Food Merchants
Association



John R. Zimmer, CAE
President & CEO
Associated Builders & Contractors, Inc.,
Keystone Chapter



Jeff Zeh
President & CEO
Associated Builders & Contractors,
Inc., Southeast Pennsylvania Chapter



Barry Wickes
President
Pennsylvania Tourism and Lodging
Association



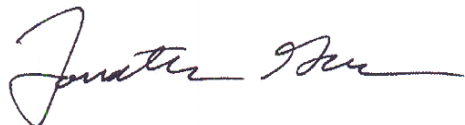
Stuart Shapiro, M.D.
President & CEO
Pennsylvania Health Care Association



Ronald Barth
President & CEO
PANPHA



Timothy Williams
President & CEO
Pennsylvania Newspaper Association



Jonathan Greer
Vice President
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