

The Chamber is Your Voice in Business...



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Employee *Forced* Choice Act

by Cathleen P. Welsh, Lenhart Obenshain PC

In the midst of businesses facing the credit crunch, increased supply costs, and dropping demand for products and services, one might say, "Can it get any worse for business?" The answer is "Yes, it can," and it will if Congress passes the ironically named Employee Free Choice Act (EFCA).

The Employee Free Choice Act, more aptly named the Employee Forced Choice Act by the U.S. Chamber, is a radical amendment to the National Labor Relations Act which is the federal law governing the relationship between business and organized labor.

The EFCA would strip employees of the right they have under existing law to a secret ballot election in determining whether they want to be represented by a union. It is sometimes called "Card Check" because a business can be forced to recognize a union upon presentation of a certain number of cards signed by employees. It would subject employees to harassment and intimidation from union organizers at their homes, church, grocery store... anywhere a card can be put in front of them. Employees can and will be pressured into signing cards without understanding their dramatic and irrevocable consequences. In addition, unlike a secret ballot, an employee's decision to sign or not sign a card can be publicized to friends and foes alike.

Unfortunately, due to federal pre-emption,

Virginia's right to work laws will not protect Virginia employees or businesses from the dramatic and unfortunate impact of this change in federal labor law. If taking away the secret ballot did not seem possible in a democratic society, consider that another provision would allow a federal employee to determine all the terms and conditions of a contract between a business and the union: every holiday, every schedule, every promotion structure, fringe benefit, wage rate, etc. This is the "interest arbitration" provision of the EFCA which has received less attention, but will be equally disastrous to businesses and the principles of a free market economy.

The Employee Forced Choice Act is not the law yet, but if unions have their wish it will be soon. It narrowly missed becoming law in 2008 and organized labor is pushing for its enactment early in the Obama administration. There is still time, however, to contact Senators Warner and Webb to let them know they should not support this law and to let Congressman Goodlatte know you appreciate his efforts to stop it. If you are an employee, let them know that you want the right to vote in private, like you did (or did not) do for them.

If you are a business, let them know that you want to protect your employees' rights and

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Businesses Working Together

by Diane Roll, Crime Prevention Specialist,
Harrisonburg Police Department

Crime is a constant problem that confronts us as individuals, as businesses and as a community. It impacts our personal safety as well as our pocketbooks and bottom lines. We would be naive to say we can eliminate it; however, when we work together, we can significantly reduce risk to our personal safety and crime's financial impact.

That is the goal of the Harrisonburg-Rockingham Chamber of Commerce Business Watch Program. Together, we can build a solid team comprised of businesses and local law enforcement through communication and education.

Teamwork is the key concept. Law Enforcement and the members of our community have a joint responsibility to act against crime. Law enforcement leads the way in education, with emphasis on crime prevention. Crime prevention education is based on statistical analysis and the business community's wants and needs. The police respond to calls for service and investigate crimes that do occur. It is the businesses' responsibility to report crime, provide as much information as possible, and be willing to prosecute when appropriate.

The business community and

law enforcement need to co-operate to keep our community safe and profitable. The more effectively we communicate with each other and educate ourselves in both crime prevention and response, the better team we build. We all benefit from working together.

The Chamber will act as a liaison for communication between businesses and the Harrisonburg Police Department.

As a member of Business Watch, you will receive timely alerts about crimes in your area or situations that could affect your business. In addition, you can retrieve information about crime prevention on our website at www.hrchamber.org.

Sign up to be a part of Business Watch by visiting www.hrchamber.org and clicking on the Programs tab at the top of the page.

Special thanks to Medicap Pharmacy for hosting a special Business After Hours on February 12 that highlighted the Business Watch program. Representatives from the Harrisonburg Police Department, including Crime Prevention Specialist Diane Roll, Public Information Officer Mary Hope-Gangwer, and Police Officer David Puffenbarger, fielded questions from the audience.

► **A Real Situation:** Business Watch is more than stats and dollar signs. It is also good customer and community service. This is best illustrated by a recent incident in the Valley Mall. On Saturday Jan. 24, 2009, a woman who suffers with severe Alzheimer's wandered off into the mall and was missing for more than 30 minutes. A call was placed to the mall office by the woman's daughter. The office assistant contacted businesses throughout the mall, mall security and the HPD Business Resource Officer. Belk responded promptly with a call stating they had found the woman in question. She was safely reunited with her family. **The bottom line is businesses working together to help businesses.**

Save the Secret Ballot

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that our focus needs to be on supporting businesses that provide jobs, not creating an unprecedented and costly change to existing law which will cause even more businesses to shut their doors. You can also lend your voice to the business organizations on the front lines in this battle: the U.S. Chamber of Commerce, the Virginia Chamber of Commerce and our own local Chamber. Don't stand by silently, make your voice heard --- before it is too late.

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attorney with Lenhart Obenshain PC and is a Past President of the HR Chamber of Commerce. She has focused her more than 15 years of legal experience in all areas of labor and employment law. She can be contacted at cwelsh@lenhartobenshain.com.

A recent U.S. Chamber survey found that 85% of American voters—Democrats and Republicans—are against the elimination of secret ballots in union elections.

Contact Your Legislators:

Urge your Senators to oppose the Employee Free Choice Act. Visit voteforbusiness.com to fill out a e-mailable form that can be sent to our legislators.

Senator Mark Warner

P: 202-224-2023

Web Form: <http://warner.senate.gov/contact/contact.cfm>

Senator Jim Webb

P: 202- 24-4024

Web Form: <http://webb.senate.gov/contact/>

Hold the Line on Medicaid Cuts

The Chamber is deeply concerned about what will result from further reductions in Medicaid funding.

Further reductions will impact almost every sector in the community, including local providers, our hospital, retirement communities, and skilled nursing facilities to name a few. Some physicians even consider closing their practices due to

poor payment schedules.

Medicaid is one of the few state programs that receives matching federal dollars.

We recognize the economic conditions the State faces, however this is one area that for each dollar we cut, Virginia loses two dollars in funding. Contact your legislators to weigh in on this issue.