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FCA STATEMENT OF POSITION ON THE EMPLOYEE FREE CHOICE ACT

The Finishing Contractors Association (FCA) represents over 1500 union contractors in the painting, drywall, glazing, and floor covering segments of the construction industry. On January 9th, FCA's Board of Directors unanimously decided to express its strong support for enactment of the Employee Free Choice Act.

RATIONALE

Many of the criticisms lodged at the Act have focused upon the potential elimination of secret ballot elections as a method of determining whether employees will be represented by the union.

In the construction industry, that concern is misplaced. In 1959, Congress amended the National Labor Relations Act, to expressly permit employers and employees in the construction industry to enter into a binding "pre-hire" collective bargaining agreement, without any requirement of a prior secret ballot election. Since that time, literally thousands of pre-hire collective bargaining agreements, covering millions of construction workers, have been negotiated without any serious claim that such a process has been undemocratic.

For this reason, the Finishing Contractors Association believes that within the construction industry, the union recognition provisions of the Employee Free Choice Act are neither a revolutionary change in the current law, nor an erosion of important employee rights under the National Labor Relations Act. The Association believes that the union representation provisions of the Employee Free Choice Act are a necessary and appropriate modification to the National Labor Relations Act.

FCA will be closely monitoring this bill as it winds its way through Congress. While FCA supports its enactment, it does offer two caveats about specific language in the existing bill. First, the Association believes that the proposed legislation must have appropriate safeguards to prevent the disruption to existing bargaining relationships that may result through "raiding" by other craft unions. Second, FCA is concerned about how the arbitration provisions of the proposed legislation may affect the stability of multiemployer units in the construction industry. FCA will be monitoring this legislation closely to assure the Employee Free Choice Act does not contain extraneous language that does harm to the basic tenets of the proposed legislation.