

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

932Q0436

HOUSE CONCURRENT RESOLUTION NO. 1007

Introduced by: Representatives Vanderlinde, Blake, Burg, Elliott, Engels, Fargen, Feickert, Frerichs, Hunhoff (Bernie), Kirschman, Lange, Lucas, Schrempp, Solberg, Sorenson, and Thompson and Senators Kloucek, Ahlers, Hundstad, Nesselhuf, and Turbak Berry

1 A CONCURRENT RESOLUTION, Supporting the Employee Free Choice Act and urging
2 Congress to pass the Employee Free Choice Act.

3 WHEREAS, in 1935, the United States established, by law, that workers must be free to
4 form unions; and

5 WHEREAS, the freedom to form or join a union is internationally recognized by the 1948
6 Universal Declaration of Human Rights as a fundamental human right; and

7 WHEREAS, the free choice to join with others and bargain for better wages and benefits is
8 essential to economic opportunity and good living standards; and

9 WHEREAS, unions benefit communities by strengthening living standards, stabilizing tax
10 bases, promoting equal treatment, and enhancing civic participation; and

11 WHEREAS, states in which more people are union members are states with higher wages,
12 better benefits, and better schools; and

13 WHEREAS, unions help raise workers' pay and narrow the income gap for minorities and
14 women, increasing median weekly earnings thirty-one percent for union women workers, thirty-



1 six percent for African American workers, forty-six percent for Latino workers, and eight
2 percent for Asian American workers; and

3 WHEREAS, union workers are more likely to have health coverage and guaranteed defined-
4 benefit pensions (eighty percent of private-sector union workers have employer-provided health
5 insurance, compared with only forty-nine percent of nonunion workers, and sixty-eight percent
6 of union workers have defined-benefit pension plans, compared with fourteen percent of
7 nonunion workers); and

8 WHEREAS, workers across the nation are routinely denied the freedom to form unions and
9 to bargain for a better life with twenty-five percent of private-sector employers illegally firing
10 at least one worker for union activity; and

11 WHEREAS, employers often refuse to bargain fairly after workers form a union by dragging
12 out first contract bargaining for up to two years in forty-five percent of successful campaigns;
13 and

14 WHEREAS, each year millions of dollars are spent to frustrate workers' efforts to form
15 unions and ninety-two percent of private-sector employers force employees to attend mandatory
16 anti-union meetings; and

17 WHEREAS, when the right of workers to form a union is violated, wages fall, race and
18 gender pay gaps widen, workplace discrimination increases, and job safety standards disappear;
19 and

20 WHEREAS, a worker's fundamental right to choose a union free from coercion and
21 intimidation is a public issue that requires public policy solutions, including legislative
22 remedies; and

23 WHEREAS, the Employee Free Choice Act received majority support in both houses of
24 Congress in 2007 but was defeated by a minority of Senators; and

1 WHEREAS, the Employee Free Choice Act will safeguard workers' abilities to make their
2 own decisions about forming a union, provide for first contract mediation and arbitration, and
3 establish meaningful penalties when employers violate workers' rights:

4 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
5 fourth Legislature of the State of South Dakota, the Senate concurring therein, that the
6 Legislature supports the Employee Free Choice Act, which would authorize the National Labor
7 Relations Board to certify a union as the bargaining representative when a majority of
8 employees voluntarily signs authorization cards designating that union to represent them; to
9 provide for first contract mediation and arbitration; and to establish meaningful penalties for
10 violations of a worker's freedom to choose a union; and

11 BE IT FURTHER RESOLVED, that the Legislature urge Congress to pass the Employee
12 Free Choice Act to protect and preserve for America's workers their freedom to choose for
13 themselves whether or not to form a union.