

RESOLUTION

ASIAN BUSINESS ASSOCIATION

- WHEREAS:** Our economy has been severely impacted by the failure of several financial services, insurance and automotive companies; and,
- WHEREAS:** The impact of this economic downturn has adversely affected consumers, entrepreneurs, and businesses of all sizes, including Asian and Pacific Islander Americans; and,
- WHEREAS:** The economic downturn has also placed tremendous pressure on companies of all sizes to remain viable and financially solvent; and,
- WHEREAS:** This pressure has also impacted hiring, developing and retaining employees, which has resulted in higher employment costs; and,
- WHEREAS:** The U.S. Congress will be reviewing a variety of prospective laws that will impact the viability of businesses of all sizes; and,
- WHEREAS:** One anticipated legislative matter surrounds the issue of Card Check, a seldom-used process where employers agree to recognize a union once it produces evidence that a majority of the firm's employees have signed union authorization cards; and,
- WHEREAS:** These cards may be signed within the workplace, at an employee's home, or via the Internet; and,
- WHEREAS:** Once a majority of employees has signed these cards, the union is deemed certified without a bona fide election; and,
- WHEREAS:** The Card Check process is being advocated by organized labor to circumvent the current, most commonly used method for determining whether or not employees may want union representation through a secret ballot election; and,

WHEREAS: Private, secret ballot elections are currently overseen by the National Labor Relations Board (NLRB), which furnishes detailed rules and procedures to ensure a fair and equitable process on determining union representation that is free from fraud, peer pressure, or coercion by employers and/or employees; and,

WHEREAS: Secret ballot elections ensure the privacy of all employees who choose to participate in determining whether or not they wish to be represented by a union; and,

WHEREAS: The elimination of secret ballot elections and the need for employers to agree to the card check process also eliminates the employer's right unfavorably labor proposals during collective bargaining; and,

WHEREAS: The Card Check process clearly poses an unfair burden upon small- to mid-sized companies who can least afford it; and,

WHEREAS: These burdens include government-supervised mediation, legal counsel, binding contractual terms and potential penalties that only apply to employers; therefore be it

RESOLVED: That the Board of Directors of the Asian Business Association go on record as being strongly opposed to any state or federal legislation that would require employers to submit to a Card Check process, including the elimination of appropriate NLRB supervision of secret ballot elections and appropriate input from both employers and employees; and be it further

RESOLVED: That the Asian Business Association encourages members of Congress to review all aspects of a potential Card Check law to ensure that it does not unfairly target businesses of any size to submit to a process that can and will impact the viability of an entrepreneur or business owner to own, operate and profit from a business.



Dated: Tuesday, March 3, 2009

A handwritten signature in black ink, appearing to read "Stephen Lee".

Stephen Lee
ABA Chairman