

Business First of Columbus - November 17, 2008  
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## COLUMBUS BUSINESS FIRST

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# Labor, business girding for battle over rules for union organizing

Business First of Columbus - by [Kevin Kemper](#)

Lawrence Fehely is making time for more information sessions with clients on proposed federal rules that would change the way labor unions organize workers.

The partner at **Kegler Brown Hill & Ritter Co. LPA** in Columbus has been informing clients about what they can expect from President-elect Barack Obama's administration. Atop the list is the Employee Free Choice Act, a proposal that has made shop owners nervous because it would streamline union organizing.

"We didn't do much (during the election) because we wanted to wait and see," Fehely said. "Obviously, what's changed is the outcome of the election."

Strong response to sessions on the proposed legislation, which Obama supports, reveals the anxiety business has about seeing a key hurdle to unions removed by Washington. The proposal calls for businesses to recognize unions that get 51 percent of workers to sign cards saying they want to be represented. Law requires unions to hold a secret ballot after collecting enough signatures for an election.

"Employers have to understand how dramatically this legislation changes what's gone on in this country over the last 70 years," said James Ferber, managing partner of Littler Mendelson PC's office in Columbus.

Proponents of the bill say workers have a right to organize.

"It's not an employer's choice to stop a union," said Greg Denier, a spokesman for Change To Win, a coalition of seven unions that includes the **International Brotherhood of Teamsters** and **Service Employees International Union**. "The employer has eight hours a day, every day, to tell employees whatever they want to within the confines of the law."

There are, however, no certainties the proposal will become law.

"Labor sees it as a way to level the playing field and business sees it as too much tilting of the other way, so the Obama administration really has a decision to make," said Herb Asher, political science professor emeritus at **Ohio State University** who researches labor unions.

The Employee Free Choice Act also would require employers and unions to go to arbitration if contract negotiations break down after the first try.

An arbitrator may not be familiar with a company or its industry, Fehely said, and could wind up imposing a judgment that could jeopardize the business.

"I don't see any reason for a union to be reasonable," he said of contract talks. "The union can say this is what we want, sign it or we're going to an arbitrator."

Denier says the opponents are using scare tactics.

"Does management assume that its positions are so untenable that an arbitrator would automatically go in favor of unions?" he said.

For unions, the issue is the ability to increase membership and workers' incomes, which they say have not kept pace with productivity gains. Workers need all the help they can get, said Dave Davis, president of United Auto Workers Local 969, which represented workers at **Delphi Corp.**'s shuttered plant in Columbus.

If the act makes it into law, Davis said the UAW may have a chance at organizing workers at **Honda of America Manufacturing Inc.** in Marysville, who have resisted unionization in the past.

For now, Davis said Local 969 is just trying to survive after its membership plunged from 2,000 to 125 after Delphi closed its plant.

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