

ADMINISTRATIVE PROBLEMS

The administrative problems for the National Labor Relations Board to handle representative elections and collective bargaining under this Bill would be insurmountable.

A union could represent the workers even though the the union were unable to get 30 percent for the purposes of an election.

A farmer could be made to bargain with the union even though none of his employees desired to join the union.

The union could make a demand upon the farmer to bargain, state the wages it demanded, threaten the farmer with a strike unless he signed the contract; and the only choice the farmer would have would be to accept the union's proposal or have his crop destroyed by a strike.

There is no equality of bargaining power or any justice in this type of compulsion.

Obviously, the union could coerce the employer into a contract without even having an election, and good faith bargaining would be a thing of the past.

If the farmer requested an election, the Board would have to determine the appropriate unit, the eligibility of workers to vote, and what constituted a representative payroll for election purposes.

In the time it would take under present procedures to accomplish these things, the farmer's perishable crop could be rotting in the field.

Because of the large number of small and medium size farmers who have only a few employees during the year, and then a substantial number during the harvest season, the determination of the unit for bargaining purposes and the handling of an election to get a representative crew would be practically impossible.

For example, in asparagus the regular crews during the growing season are usually small, but during harvest season the harvesting crew may be ten times the number of regular employees, so that in order to get a representative crew for election purposes elections would have to be held at harvest time. Those voting in the election one year might be entirely different than those who would be present for harvesting during the next season.

This would tend to lead the union to demand a contract on a crop basis for all the producers in an area or the state, which would destroy the freedom of collective bargaining by the growers and would tend to set up large labor blocs that would destroy any equality of bargaining power.

Section 2 (4) of the proposed statute provides that the agreement may contain a provision specifying the minimum training or experience qualifications for employment, and priority in opportunities for employment based upon length of service with such employer, in the industry or in the particular geographical area.

This would permit the union to set up qualifications for union membership which would be beneficial to its operation, and arrange a seniority program for an entire geographical area whereby such members would have individual preference for desirable jobs.

This would probably mean that the union would not be able to furnish workers except those which met union qualifications, so that the farmer could not rely upon the union to furnish the great number of seasonal employees who would not meet union qualifications.

This, together with the provisions that they must join the union within seven days, would in fact give preferential hiring to only a small segment of the workers needed, and discrimination against and deny membership to the remainder; and the union might require an employer to discriminate against his employees who may be qualified to do the work to the satisfaction of the employer but not meeting union requirements.

While the proposed statute does not specifically provide that an employer must execute such a contract, the economic status of a farmer, as before pointed out, is such that for all practical purposes he would be compelled to sign the contract that the union proposed.

SUMMARY

In summarizing then, it is our position that this statute would so operate as to be against public policy, would tend to destroy collective bargaining, would present a serious Constitutional question, would seriously interfere with and tend to disrupt agricultural production and increase consumer prices.