

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 6

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

1
2 TO THE PRESIDENT OF THE UNITED STATES AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

6 We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

9 WHEREAS, the State of Idaho, under the authority granted by Congress under Section 14 (b) of the National Labor Relations Act, passed the state Right to Work statute in order to guarantee its citizens maximum individual freedom of choice in the pursuit of employment and to be free from undue restraint and coercion with regard to employment; and

14 WHEREAS, the Right to Work law further guarantees Idaho citizens' right to work shall not be infringed or restricted in any way based on membership in, affiliation with or financial support of a labor organization or refusal to join, affiliate with or financially support a labor organization; and

18 WHEREAS, the Right to Work law declares it to be unlawful to deduct from the wages, earnings or compensation of an employee for dues, fees or assessments to a labor organization unless the employee has first signed a written authorization of such deductions; and

22 WHEREAS, labor organizations have developed so-called market recovery funds, job targeting funds or other such schemes, financed by assessments and sums withheld from employee paychecks, for the purpose of subsidizing a contractor or subcontractor, but that offer no guarantee they will ever directly benefit the employee; and

27 WHEREAS, such wage subsidy schemes would be illegal as price-fixing and a violation of wage and hour laws if entered into by nonunion employers and employees resulting in undermining a citizen's protections under the Right to Work statute and resulting, as a practical matter, in compulsory unionism; and

32 WHEREAS, such employer subsidies are often used in conjunction with other threatening and coercive union organizing activities that are intended to intimidate employers into voluntary recognition or employees into joining the union against their will, thereby weakening Idaho's economic climate, reducing employment opportunities for the vast majority of Idahoans unless they join a union, and ultimately undermining Idaho's Right to Work law; and

39 WHEREAS, the development and use of such funds goes beyond labor organizations' primary objectives, and allows labor organizations to combine with non-labor groups to gain an unfair advantage and directly undermine free and open competition.

1 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular
2 Session of the Sixty-first Idaho Legislature, the House of Representatives
3 and the Senate concurring therein, that it is a compelling state interest
4 of the Legislature to protect the right to work for all Idahoans, union and
5 nonunion, under the authority granted by Congress under Section 14 (b) of the
6 National Labor Relations Act, by proscribing compulsory unionism as a condi-
7 tion of employment via anticompetitive rebates of employee wages to subsi-
8 dize a contractor or subcontractor doing business in the State of Idaho.

9 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
10 tives be, and she is hereby authorized and directed to forward a copy of this
11 Memorial to the President of the United States and to the President of the
12 Senate and the Speaker of the House of Representatives of Congress, and the
13 congressional delegation representing the State of Idaho in the Congress of
14 the United States.