Testimony of Karen M. Mayhew
Employee of Kaiser Permanente
February 8, 2007

My name is Karen M. Mayhew and I work for one of the nation's largest Health Maintenance Organizations, Kaiser Permanente, in Portland, Oregon. I write today to express my concern over the ironically named "Employee Free Choice Act." This legislation, if passed, will strip from American workers the right to say whether or not they want to have their working lives forever altered. I would like to share my personal experience under "card check" and explain why it is a terrible idea.

Back in the spring of 2005, a local of the Service Employees International Union (SEIU) descended upon my small office of approximately 65 professional employees and launched into an organizing campaign. This union had already signed what they called a "neutrality agreement" with my employer which silenced my employer and made it impossible for my employer to speak truthfully to us about the meaning of the union's activities.

One of the first meetings with the union after the launch of the "card check" campaign was a Q & A session with a local organizer and SEIU organizing director at a large reception hall at one of our Portland campuses. At that meeting, union authorization cards were placed purposely in front of each chair. Some of us, myself included, spoke to our colleagues before the meeting about those cards, and questioned their meaning and purpose. At the meeting, employees asked the union agents questions about the purpose of the cards. The union agents responded by telling us that signing the card only meant that the employee was expressing an interest in receiving more information about the union, or to have an election to decide whether or not to bring the union in.

It was made clear to all of us there in attendance that those authorization cards did NOT constitute a vote right there and then for exclusive representation by SEIU. We were told by the union agents that if 30% of us signed those cards, we would be allowed an election to vote on exclusive representation by the SEIU. Indeed, a collective bargaining agreement between Kaiser and the SEIU specifically provided that there would be a secret ballot election.

For the next 7 months, a union organizer had open and free access to us and our facility in her quest to secure what we thought were cards to get an election. She would incessantly approach us on our breaks, our lunch hours, even in the hall on our way to the restroom. Due to our employer's "neutrality agreement," this union agent was free to do this on our work time.

On October 17, 2005, my department was brought to a meeting with our senior management and told that as of that date, we were officially represented by SEIU. There was never an election and no further information was available to us. About a week later, we had a joint meeting with the regional director of Human Resources and the union organizer. The first questions at that meeting were not about what it meant to be in the union. Instead, many incensed employees complained that we were not given our promised election.

When we were told that 50% + 1 had signed the union's authorization cards, and that no election would be held, it did not take long for many employees to announce that they would not have signed the cards if they had known that there would be no election. Knowing that the union had just a one-person majority in our department at the time of Kaiser's recognition, I filed Unfair Labor Practice charges against Kaiser and the SEIU union with the National Labor Relations Board (NLRB), based in part on the realization that some in our department had signed cards solely due to the union's misrepresentations. Those unfair labor practice charges were docketed as NLRB Case No. 36-CA-9844 and 36-CB-2607.

My charges were filed with assistance from the National Right to Work Foundation, without whom I would have been at a loss as to how to proceed to protect my legal rights. My charges specifically addressed the union's misrepresentations, and the violation of the employer and union's "collective bargaining agreement" to hold an election when the union provided a 30% showing of interest.

In addition, I filed for decertification of the union when I submitted to the NLRB a petition with signatures constituting more than 30% of the bargaining unit. That decertification Petition was docketed as NLRB Case No. 36-RD-1673. Along with three other Kaiser employees from my department, I gave a sworn statement to an agent of the NLRB detailing the events leading up to the "card check" and the unlawful recognition of the SEIU based upon that "card check." In February of 2006, the local office of the NLRB sent my case to the NLRB's Division of Advice in Washington D.C.

The charges remained at the NLRB's Division of Advice until July, 2006. It is my understanding that the Division of Advice found merit to our charges of unfair labor practices, and authorized the issuance of a formal complaint. That is when the union and Kaiser decided to settle the charges. The terms of the settlement included revoking the voluntary recognition of SEIU by Kaiser, and the promise that if SEIU ever desired to represent my department for the next several years, it would have to obtain such status through a National Labor Relations Board-supervised secret ballot election. I accepted this settlement offer because the unlawful recognition was rescinded, and my story made headlines in the local newspaper, <u>The Oregonian</u>.

Within two months of the settlement, the same SEIU union, at the same employer, gained exclusive recognition rights over employees in another department without any election. The employees in that department also filed an Unfair Labor Practice charge with the NLRB. The end result of that charge was another settlement in which Kaiser and SEIU terminated their voluntary recognition, and agreed to only use NLRB-supervised secret ballot elections if the union wishes to return before December 31, 2008.

Throughout this whole ordeal, my colleagues and I were subjected to badgering and immense peer pressure. Some of us even received phone calls at home. While I let my feelings toward this union be known early on, I still was attacked verbally and in e-mail by my pro-union colleagues. I believe this abuse directed towards me was at the request of the union in an effort to intimidate me and have me back down. Union supporters upset with me and my actions were talking about me in language that could only have come from the union. You could easily

assume they were reading from union talking points. Different people all expressing the same sentiment. I exercised my free choice not to be in the union and my work life became miserable because of it.

In sum, I respectfully submit that "card checks" are not the preferred method of union recognition, and that the cases outlined above, filled with union abuses of a wide variety, are the rule in "card check" campaigns, not the exception.

To deny workers the right to choose union representation in secret, without coercion, intimidation, social ostracizing, and misrepresentations, is to deny a fundamental American right. As a worker who was abused under a "card check" process, and had to wage a costly battle to protect my rights, I urge you to reject this ill-conceived special-interest legislation.