



CAPITAL RETAIL REPORT



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August 29, 2008

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Hillary Clinton Calls for Unionization

In Denver on Tuesday, August 26, 2008, Senator Hillary Clinton gave, what many believe was the best speech of her life. Among the words spoken from the dais of the Democratic National Convention, Senator Clinton called for the support of unionization. She said, "To fight for an America defined by deep and meaningful equality — from civil rights to labor rights, from women's rights to gay rights, from ending discrimination to promoting unionization to providing help for the most important job there is: caring for our families. To help every child live up to his or her God-given potential."

It is clear that now is the time to act on the Employee Free Choice Act (EFCA). Many, including me, believe that taking away the right to a secret ballot in any election is an erosion of freedom. We cannot allow this movement to gain momentum. Please let your members in Congress know that you oppose these strong-armed union tactics and do not support "card check" legislation.

Joe Fleming of the Georgia Chamber of Commerce has now picked up on this issue and makes the following statement: "Let me also remind you of one other critical priority: Organized labor's pending federal legislation to eliminate secret ballot elections in employee votes to decide whether to unionize. The Georgia Chamber of Commerce supports the right of workers to voluntarily join unions under a process that is fair to both the employee and the employer. However, we strongly oppose efforts by union organizers to take away from employees the right of each individual to decide for him or herself whether or not membership in a union is in their best interest, which is in fact the intent of the grossly misnamed Employee Free Choice Act, "EFCA"."

"At the core of the union-backed EFCA legislation: the elimination of secret-ballot elections, by which - in confidence and privacy and free from intimidation - individuals vote to decide whether or not they wish to join a union. The EFCA legislation would literally take away that essential, core principle of American freedom - the ability to cast a secret ballot, with confidentiality. But make no mistake, this legislation, if enacted, would result in a dramatic change in current labor laws in affect since 1937, and would give labor unions a monumental advantage in establishing union representation - in companies where there is now no union presence whatsoever and even in a "right to work" state like Georgia. Should 50 percent plus one of employees sign "union authorization cards," the union would automatically be given the right and standing to negotiate for all applicable employees. Employees - whether they want union representation, whether they want money deducted from their paycheck to pay union dues, whether they want to be subject to being called off the job for a prolonged strike - would be forced to do so ... even over their objections because half their colleagues signed "union authorization cards," which, of course, is not necessarily an expression of a desire to join a labor union."



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Joe's statements reinforce the message sent out to you in the last issue of the [Capitol Retail Report](#). Please act now.

House Study Committee on Restrictive Covenants to Meet

Speaker of the House Glenn Richardson has appointed Representative Kevin Levitas to chair the House Study Committee on Restrictive Covenants in the Commercial Arena.

House Resolution 1879 established the House Study Committee on Restrictive Covenants in the Commercial Arena to examine the proper functioning of restrictive covenants in today's marketplace and to fulfill the legislature's role in defining public policy in this area.

A restrictive covenant is an agreement between an employer and an employee (or an independent contractor) that limits the ability of a former employee to unfairly compete against the employer after termination of employment.

In the absence of clear direction from the General Assembly, Georgia courts have issued conflicting decisions and voided many of these agreements in their entirety, often on the basis of a strict reading of a technical defect in one part of an agreement.

Levitas said, "It is time that the legislature studied this issue in depth and provided clear guidance to the courts regarding the sustainability of these private agreements between private contracting parties and how to make them fair to all parties." Levitas said that the study committee will examine court precedent and hear testimony from witnesses regarding the effect of the current state of the law.

"It is imperative that we carefully examine all aspects of this important issue so that both employer and employee can know their rights and duties after employment has ended."

"Both parties need to know with certainty what they can and cannot do, and that is why legislation in this area is so important. In addition to providing certainty to the parties, clarifying the law will have a significant impact on Georgia's economy and the ability of the state to attract businesses to this state and to keep them here."

Levitas noted that he expects that the committee will hear from a diversity of witnesses with differing viewpoints on the subject. Levitas said that he intends for the committee "to bring together all necessary points of view and to gather all of the facts so that we can, once and for all, clearly define and bring certainty to this important area of the law."

The committee will hold its first meeting at 9:00 a.m. on Wednesday, September 24, in Room 132 of the State Capitol. The other members of the committee are: Representative Tim Bearden (R-Villa Rica), Representative Butch Parrish (R-Swainsboro), Representative Richard Smith (R-Columbus), Representative Brian Thomas (D-Lilburn) and Representative Al Williams (D-Midway).

Organized Retail Theft Conference in Just Two Weeks

Did you know that organized retail theft (ORT) is an offense that is growing exponentially in Georgia, and across the nation, costing Georgia's merchants \$882,000,000 every year?



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Did you know that losses due to organized retail crime are bigger than robbery, larceny, burglary and auto theft combined?

Georgia's first conference on Organized Retail Theft will be held on Tuesday, September 16, 2008 at AmericasMart in Atlanta.

Plan now to attend the conference to learn what is being done and what you can do about ORT in your store.

The day-long conference includes breakfast and lunch and it's free for first three individuals from any GRA member company and just \$25 per person for non-members.

This conference is your opportunity to:

- Hear from some the top experts on the nature and extent of ORT;
- Hear from the F.B.I. and local law enforcement on how they are addressing this problem;
- Learn about what you can do to fight this criminal activity;
- Learn how police; prosecutors and retailers can effectively work together;
- Get a view of nationwide legislative activity on ORT legislation;
- Get a first-hand overview of Georgia's Organized Retail Theft law.

Featured speakers include:

- Frank Muscato – Walgreens Organized Retail Crime Investigator
- Ron Kozoil – Assistant Chief, Federal Bureau of Investigations
- Mark McCain – Director of Investigations Asset Protection Division, Wal-Mart Stores, Inc.
- Chad McIntosh – DVP Stores Loss Prevention, Macy's Central
- Representative Kevin Levitas, instrumental in moving HB 1346 – Georgia's Organized Retail Theft Law out of committee
- Stan Gunter, District Attorney, Entotah Judicial Circuit

Thank you,

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Georgia Retail Association

About GRA: The Georgia Retail Association, with membership that comprises all retail formats and channels of distribution including department, specialty, discount, catalog, Internet, independent stores, and grocery stores has been serving the state's business community since 1961. The Georgia Retail Association represents an industry with more than 71,300 retail establishments, and more than 715,000 employees - about one in five of Georgia's workers - and 2004 sales of \$115.2 billion.