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Chairwoman Virginia Foxx
Ranking Member Bobby Scott
Committee on Education and the Workforce
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Foxx and Ranking Member Scott:

UAW Local 2121 and UAW International Union are writing in opposition to H.R. 986, the Tribal Labor Sovereignty Act. This bill would deny protection under the National Labor Relations Act (NLRA) to hundreds of thousands of workers, including more than two hundred thousand workers employed by tribal casinos. UAW Region 9A represents fifteen hundred dealers at Foxwoods Resort and Casino, an enterprise of the Mashantucket Pequot Tribal Nation in Connecticut.

In 2007, the D.C. Circuit Court ruled in *San Manuel vs. National Labor Relations Board (NLRB)* that commercial enterprises owned by tribes are subject to U.S. labor law if the employees and patrons are predominately not tribal members. An estimated 43% of all U.S. gaming is tribally owned, creating approximately 628,000 jobs nationwide. Of those jobs, approximately 75% are held by non-tribal employees, which is certainly the case at Foxwoods.

The UAW won an NLRB election at Foxwoods in November, 2007 to represent all dealers and assistant floor supervisors. MPTN lost its jurisdictional challenge before the NLRB and subsequently violated federal law by refusing to bargain with the Union.

On October 10, 2008, while the NLRB pursued enforcement of an order to bargain in the courts, the UAW and MPTN entered into a "Framework Agreement" pursuant to which the union agreed to bargain under MPTN tribal law, if the MPTN made agreed upon amendments to its Labor Relations and Right to Work laws and certified the UAW as the exclusive bargaining representative for the unit that had previously been certified by the NLRB. The MPTN certified that these conditions were met on October 28, 2008.

This agreement and underlying tribal labor law only works because there is an expressed written reservation of rights that allow the union to revert to the jurisdiction of the NLRA if the Tribal government makes fundamental changes to its labor law or refuses to abide by arbitral decisions.

The right to return to the protections of NLRA can be invoked by the UAW at any time upon thirty days' notice to the Mashantucket Tribal Gaming Enterprise if the UAW determines that

tribal institutions and procedures have not provided due process and a fair determination of employee rights. Without this mechanism that guarantees fair labor laws, the current contract and the right to collectively bargain would be meaningless.

We again sincerely urge you to not pass this bill.

Sincerely,

Andrea Goodrich

Andrea Goodrich, President
UAW Local 2121 Foxwoods Resort and Casino

We are writing in opposition to HR 986 the Tribal Labor Sovereignty Act. This bill would deny protection under the National Labor Relations Act to more than two hundred thousand workers employed by tribal casinos. UAW Region 9A represents more than 40,000 active and retired members in the New England states, New York City and Puerto Rico including fifteen hundred dealers at Foxwoods Resort and Casino, an enterprise of the Mashantucket Pequot Tribal Nation in Connecticut.

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