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EDUCATION & LABOR COMMITTEE
Congressman George Miller, Chairman

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Chairman Andrews Statement at Subcommittee Hearing on "Are NLRB and Court Rulings Misclassifying Skilled and Professional Employees as Supervisors?"

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. Rob Andrews (D-NJ), chairman of the House Subcommittee on Health, Employment, Labor, and Pensions, for a subcommittee hearing on "Are NLRB and Court Rulings Misclassifying Skilled and Professional Employees as Supervisors?"*

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Good afternoon and welcome to the Health, Employment, Labor and Pensions (HELP) Subcommittee's hearing entitled "Are NLRB and Court Rulings Misclassifying Skilled and Professional Employees as Supervisors?"

A major contributor to this middle class squeeze is the decline in workers' freedom to organize and collectively bargain. Organized workers earn more, have greater access to healthcare benefits, and are more likely to have guaranteed pensions than unorganized workers. When workers get their fair share, the economy benefits and the middle class grows stronger.

Yet the freedom to organize and collectively bargain has been under severe assault in recent decades, thanks to weak federal labor laws in dire need of reform. It has also been rolled back by a number of misguided decisions by the National Labor Relations Board (NLRB) in the last few years.

Last year, the NLRB issued a trio of decisions, collectively often referred to as the "Kentucky River" decisions, which eviscerated the meanings of "employee" and "supervisor" under the National Labor Relations Act (NLRA). The NLRA protects employees' freedom to organize and collectively bargain. Supervisors are not considered employees and are therefore not covered by the Act's protections. If an individual is determined to be a supervisor, she has no right to organize, no right to engage in concerted activity with her fellow employees, and no right to collectively bargain. Every fundamental right protected by the Act may turn on this question of whether she is a supervisor or an employee. The Kentucky River decisions dramatically expanded the definition of supervisor far beyond the limits that the authors of the act intended and far beyond the limits of common sense. In so doing, it stripped an estimated 8 million workers – particularly skilled and professional employees – of the freedom to organize.

To address this problem, I have introduced "Re-empowerment of Skilled and Professional Employees and Construction and Tradesworkers (RESPECT) Act" this Congress. The RESPECT Act serves to restore that freedom by addressing a series of decisions which stray

dramatically from and undermine the original intent of the National Labor Relations Board and which fly in the face of common sense. This bill provides clarity in the NLRA on one aspect of the fundamental question of coverage: who is an employee and who is a supervisor.

Today, you will hear the opponents of the RESPECT Act argue that it unnecessary legislation because it is a solution in search of a problem. To the contrary, you will hear a first hand account of how one employer used the NLRB decisions to their advantage and to the demise of their employees by stripping them of their right to collectively bargain and organize. The RESPECT Act is necessary and its passage this year is essential to protecting millions of workers rights and protections.

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