

COALITION FOR A DEMOCRATIC WORKPLACE

April 9, 2014

The Honorable John Kline
Chairman
Committee on Education and the Workforce
2181 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

The Honorable George Miller
Ranking Member
Committee on Education and the Workforce
2181 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Kline and Ranking Member Miller:

On behalf of the Coalition for a Democratic Workplace (CDW), we urge the Committee on Education and the Workforce to approve H.R. 4320, the Workforce Democracy and Fairness Act, and H.R. 4321, the Employee Privacy Protection Act. CDW is a broad-based coalition of over 600 organizations united in opposition to the tenets of the so-called "Employee Free Choice Act" (EFCA) and alternatives that pose a similar threat to workers, businesses, and the American economy. In recent years, the National Labor Relations Board (NLRB) has attempted to enact many EFCA-like policies through administrative rulings and regulations. In response, much of CDW's focus has been directed toward the NLRB.

On February 6, the NLRB issued a proposed rule that would dramatically change the longstanding union representation election procedures to effectively shorten the time from petition to election to as few as 10 days from the current median of 38 days. The proposed rule is virtually identical to a 2011 NLRB proposal that a federal court struck down in 2012, because a quorum of the Board did not participate in the rulemaking. If implemented, this "ambush elections" rule will leave employers almost no opportunity to communicate with employees about union representation or respond to promises by union organizers, even though many of those promises may be completely unrealistic. The rule also would require employers to hand over employees' phone numbers and email addresses to union organizers. Taken in its entirety, the rule will encourage the kind of union intimidation and the kind of "back door" organizing that would have been commonplace under the Employee Free Choice Act (EFCA).

H.R. 4320 and H.R. 4321 would render the ambush election rule harmless. H.R. 4320 would ensure employees have a fair opportunity to make an informed decision about whether to unionize by requiring at least 35 days before a union election can take place. The bill would also give employers a fair opportunity to participate in the union election process by providing them with at least 14 days to prepare their case before a NLRB election officer. H.R. 4321, on the other hand, would protect personal privacy by giving employees control over what personal information can be passed along to union organizers, while granting employers a more reasonable amount of time in which to comply. Employees should be free to make informed decisions regarding union representation without the fear of intimidation that comes with the dissemination of their personal information.

We ask the Committee to approve both H.R. 4320 and H.R. 4321 to address the threat posed by the ambush

election rule. At same time, we urge the Committee to also consider the Representation Fairness Restoration Act, H.R. 2347, which would effectively reverse the NLRB's damaging 2011 decision in *Specialty Healthcare*. The *Specialty Healthcare* decision overturned decades of established law to create a new standard that permits unions to gerrymander representation elections and "fracture" workplaces into multiple, small siloed bargaining units, or "micro-unions." This will cripple businesses by forcing separate treatment, separate bargaining, and separate contract administration for employees working side-by-side in almost identical jobs. The burden of managing such conditions would be crushing, and flexibility to schedule and train employees would be destroyed as employees in one unit would generally be prohibited from doing work assigned to another unit.

America's businesses and workers are under attack, and we need your help to protect our businesses, job growth and the economy. Please approve H.R. 4320 and H.R. 4321 and consider H.R. 2347.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Burr", with a long horizontal flourish extending to the right.

Geoffrey Burr

Chair, the Coalition for a Democratic Workplace