



LEGISLATIVE ALERT

April 8, 2014

Dear Representative:

On behalf of the 12 million working men and women represented by the unions of the AFL-CIO, I am writing to express our strong opposition to H.R. 4320 and H.R. 4321, which are scheduled to be marked up by the House Committee on Education and the Workforce on April 9, 2014.

H.R. 4320 and H.R. 4321 are designed to undermine and thwart current efforts by the National Labor Relations Board (NLRB) to improve the process for union representation elections – a process that is currently riddled with unnecessary delay and litigation.

On February 6, 2014, the NLRB proposed rules to streamline procedures, improve transparency, utilize modern technology, and reduce unnecessary litigation in the union representation election process. Public comments on the proposed rules were due on April 7, 2014, and the NLRB will hold two days of public meetings on the rules later this week.

H.R. 4320 and H.R. 4321 would move the election system in the opposite direction from the NLRB's proposed rules. Rather than reduce delay and unnecessary litigation, the bills would mandate delay and encourage unnecessary litigation. H.R. 4320 would prohibit union elections from taking place any earlier than 35 calendar days after the filing of an election petition – regardless of the size of the bargaining unit in question or whether there were any issues in dispute. In fiscal year 2013, the median size of bargaining unit for an NLRB election was just 24 employees. Yet H.R. 4320 would mandate a minimum five week delay between petition and election even in a unit of this size or smaller, and even if there were no issues in dispute. H.R. 4320 mandates delay for delay's sake. It is wrong-headed legislation that undermines the National Labor Relations Act and its goal of employee free choice.

Similarly, H.R. 4321 undermines the NLRB's proposed election rules by mandating delay in the provision of important employee contact information in advance of union representation elections. The NLRB has proposed to make use of modern technology and require employers to provide lists of employees, with contact information, within two days of the direction of a representation election. (Under current rules, employers must provide the information within seven days). This information is needed so that the NLRB, the employer, and the union know the names of employees in the proposed bargaining unit and are able to contact them with information about the upcoming election. H.R. 4321 would deny unions this information for a minimum of seven days, during which time the employer would have unilateral access to the information and a unilateral ability to campaign against the union. H.R. 4321 unfairly deprives unions of critical information and stacks the deck against workers seeking to form a union at their workplace.

We urge you to oppose H.R. 4320 and H.R. 4321 when they come before the Committee for a vote.

Sincerely,

William Samuel, Director
GOVERNMENT AFFAIRS DEPARTMENT