

COALITION FOR A DEMOCRATIC WORKPLACE

April 5, 2013

Dear Representative:

On behalf of the millions of American businesses concerned with the current economic environment and the need for balance in federal regulation, the Coalition for a Democratic Workplace (CDW) urges you to support H.R. 1120, the Preventing Greater Uncertainty in Labor-Management Relations Act. Congress needs to immediately pass this much-needed legislation. The bill will provide clarity for those facing uncertainty created by the January 2012 unconstitutional recess appointments to the National Labor Relations Board (NLRB), while preserving the agency's essential functions, such as the workers' ability to petition for union elections and the ability of the NLRB regional offices to accept and process unfair labor practice charges.

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), as well as EFCA alternatives that pose a similar threat to workers, businesses and the American economy. In recent years, the 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 Jan. 4, 2012, President Obama recess appointed three members to the NLRB when the Senate was in session. Several legal challenges were filed against the appointments, including *Noel Canning v. NLRB*, in which CDW was involved. On Jan. 25, 2013, a three-member panel of the U.S. Court of Appeals for the D.C. Circuit unanimously nullified the president's appointments, finding them unconstitutional.

Neither the administration nor the NLRB itself has taken any meaningful steps to demonstrate restraint in the wake of the D.C. Circuit ruling. In fact, last month the White House re-nominated the controversial "recess" appointees to the NLRB, and Board Chairman Mark Pearce announced following the *Noel Canning* decision that the Board "will continue to perform [its] statutory duties and issue decisions." These actions have exacerbated the uncertainty for employees, employers and unions created by the recess appointments. As a result, the agency's ability to enforce the nation's labor laws and promote industrial stability is in doubt.

While a handful of specific D.C. Circuit cases have been suspended pending Supreme Court review of the *Noel Canning* case, the fates of most decisions issued in the past year remain unclear. This uncertainty imposes real costs and additional layers of litigation on employers and other parties involved in pending NLRB actions.

H.R. 1120 would impose much-needed restraint over the NLRB's unconstitutional quorum by preventing it from issuing further decisions. In addition, the bill immediately ceases enforcement of the invalid Board's previous decisions, and ensures that such cases will be reviewed and approved by a legitimate

panel as soon as one is seated. The legislation preserves workers' ability to petition for union elections, and NLRB regional offices' ability to accept and process unfair labor practice charges. Most importantly, the restrictions H.R. 1120 places on the Board are to be removed as soon as the Supreme Court rules in the *Noel Canning* case, or the Senate confirms a quorum.

Again, CDW urges the immediate passage of H.R. 1120, the Preventing Greater Uncertainty in Labor-Management Relations Act.

Sincerely,

The Coalition for a Democratic Workplace

And the following 138 local, state and national organizations...

Agricultural Retailers Association	Center for the Defense of Free Enterprise Action Fund
Air Conditioning Contractors of America	Consumer Electronics Association (CEA)
Air Conditioning Trade Association (ACTA)	Farm Equipment Manufacturers Association
Alliance for Worker Freedom	Food Marketing Institute
American Apparel & Footwear Association	Forging Industry Association
American Bakers Association	Heating, Air-Conditioning & Refrigeration Distributors International (HARDI)
American Fire Sprinkler Association	HR Policy Association
American Foundry Society	INDA, Association of the Nonwoven Fabrics Industry
American Hotel & Lodging Association	Independent Electrical Contractors
American International Automobile Dealers Association	Industrial Fasteners Institute
American Meat Institute	Interlocking Concrete Pavement Institute
American Pipeline Contractors Association	International Association of Refrigerated Warehouses (IARW)
American Rental Association	International Foodservice Distributors Association
American Seniors Housing Association	International Franchise Association
American Staffing Association	International Warehouse Logistics Association
American Supply Association	Kitchen Cabinet Manufacturers Association
American Trucking Associations	Manufacturer & Business Association
American Wholesale Marketers Association	Messenger Courier Association of America
Americans for Tax Reform	Metals Service Center Institute
Assisted Living Federation of America	Motor & Equipment Manufacturers Association
Associated Builders and Contractors, Inc.	NAHAD – The Association for Hose & Accessories Distribution
Associated General Contractors	National Armored Car Association
Association of Equipment Manufacturers (AEM)	National Association of Chemical Distributors
Association of Millwork Distributors	National Association of Electrical Distributors
Automotive Aftermarket Industry Association	National Association of Manufacturers
Building Owners and Managers Association International	National Association of Wholesaler-Distributors
CAWA - Representing the Automotive Parts Industry	
Center for Individual Freedom	

National Club Association	Associated Builders and Contractors East Tennessee Chapter
National Council of Chain Restaurants	Associated Builders and Contractors Eastern Pennsylvania Chapter
National Council of Investigation & Security Services	Associated Builders and Contractors Florida East Coast Chapter
National Council of Textile Organizations	Associated Builders and Contractors Florida First Coast Chapter
National Federation of Independent Business	Associated Builders and Contractors Florida Gulf Coast Chapter
National Franchisee Association	Associated Builders and Contractors Hawaii Chapter
National Grocers Association	Associated Builders and Contractors Inland Pacific Chapter
National Lumber & Building Material Dealers Association	Associated Builders and Contractors Keystone Chapter
National Marine Distributors Association	Associated Builders and Contractors Massachusetts Chapter
National Mining Association	Associated Builders and Contractors New Orleans/Bayou Chapter
National Pest Management Association	Associated Builders and Contractors North Alabama Chapter
National Precast Concrete Association	Associated Builders and Contractors of Georgia, Inc.
National Ready Mixed Concrete Association (NRMCA)	Associated Builders and Contractors of Greater Houston
National Restaurant Association	Associated Builders and Contractors of Indiana
National Retail Federation	Associated Builders and Contractors of Maine
National Roofing Contractors Association	Associated Builders and Contractors of Michigan
National Small Business Association	Associated Builders and Contractors Ohio Valley
National Stone, Sand & Gravel Association	Associated Builders and Contractors Pelican Chapter
National Systems Contractors Association	Associated Builders and Contractors Rhode Island Chapter
National Tank Truck Carriers	Associated Builders and Contractors Rocky Mountain Chapter
National Tooling and Machining Association	Associated Builders and Contractors South Texas Chapter
North American Equipment Dealers Association	Associated Builders and Contractors Southeast Texas
NUCA- Representing Utility & Excavation Contractors	Associated Builders and Contractors Virginia Chapter
Outdoor Power Equipment and Engine Service Association (OPEESA)	Associated Builders and Contractors Western Michigan Chapter
Precision Machined Products Association	Association of Washington Business
Precision Metalforming Association	California Delivery Association
Printing Industries of America	Capital Associated Industries, Inc. (NC)
Real Estate Roundtable	Colorado Association of Commerce and Industry
Retail Industry Leaders Association	Employers Coalition of North Carolina
Snack Food Association	Florida Independent Concrete & Associated Products, Inc.
Society for Human Resource Management	Greater Columbia Chamber of Commerce
SPI: The Plastics Industry Trade Association	Little Rock Regional Chamber of Commerce
Textile Rental Services Association	Minnesota Grocers Association
The Fertilizer Institute	Montana Chamber of Commerce
The National School Transportation Association	
The Noel Corporation	
Truck Renting and Leasing Association	
U.S. Chamber of Commerce	
United Motorcoach Association	
Western Electrical Contractors Association (WECA)	
Arkansas State Chamber of Commerce/ Associated Industries of Arkansas	
Associated Builders and Contractors Central Florida Chapter	
Associated Builders and Contractors Connecticut Chapter	

Nebraska Chamber of Commerce & Industry
Nevada Manufacturers Association
New Jersey Motor Truck Association

Plumbing-Heating-Cooling Contractors Association of
California (CAPHCC)
Virginia Manufacturers Association
Virginia Trucking Association