

# COALITION FOR A DEMOCRATIC WORKPLACE

July 12, 2016

Dear Chairman Rogers and Ranking Member Lowey:

On behalf of millions of American businesses concerned with the rights of their employees, the fragile economy, and the need for balance in federal regulation, the Coalition for a Democratic Workplace (CDW) writes in regards to the July 13 markup of the FY 2017 Labor, Health and Human Services, Education and Related Agencies Appropriations Bill. CDW commends you for including several important policy provisions and encourages the Committee to adopt an amendment dealing with the Department of Labor's (DOL) controversial "persuader" rulemaking.

The first provision included in the draft bill that CDW supports is a provision to prohibit enforcement of the National Labor Relations Board's (NLRB) new joint-employer standard. This new rule will subject businesses to increased liabilities over unfair labor practices and discourage contractors from hiring subcontractors, many of which are small and locally owned businesses.

The second provision would prohibit implementation of the NLRB's final "ambush" elections rule. The "ambush" rule drastically changes the process for union representation elections and severely limits worker access to information needed to make an informed decision about whether or not to vote in favor of a union.

The third provision would prohibit enforcement of the NLRB's new bargaining unit standards which have opened the door to proliferation of micro-unions within a workplace. Under the NLRB's 2011 *Specialty Healthcare* decision, unions can now gerrymander representation elections and organize bargaining units that purposely exclude similarly-situated employees who oppose unionization, leaving them effectively disenfranchised while greatly benefitting organizing drives.

CDW appreciates your attention to these matters and urges the Committee to include a provision that would block funds from being used to implement DOL's new "persuader" rulemaking. DOL's rule will eliminate the long-established "advice" exemption, and in doing so trample on rights to confidential legal advice. Furthermore, employers will likely be required to start filing persuader reports if they seek assistance on general workplace policies. Advisors could become persuaders merely by hosting

conferences or meetings with a focus on labor relations. These changes are alarming, particularly considering criminal penalties could be imposed for non-compliance.

Each of these provisions would help address the drastic labor law changes put forth by the NLRB and DOL. If left unchecked, the actions of these agencies will fuel economic uncertainty and have serious negative ramifications for millions of employers, workers, and consumers.

Thank you again for your hard work on these issues and we look forward to working with the Committee to protect the rights of American workers.

Sincerely,

The Coalition for a Democratic Workplace