

COALITION FOR A DEMOCRATIC WORKPLACE

June 14, 2017

Dear Chairman Alexander:

On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace (CDW) thanks you for introducing S. 1350, the Workforce Democracy and Fairness Act. This important legislation would roll back the harmful changes made by the National Labor Relations Board (NLRB) concerning union elections and restore balance in the process.

CDW is a broad-based coalition of over 600 organizations representing hundreds of thousands of employers and millions of employees in various industries across the country concerned with the disruption caused by the NLRB's eight-year campaign to re-write labor laws. CDW was originally formed in 2005 in opposition to the so-called Employee Free Choice Act (EFCA), which would have replaced secret ballots in unionization elections with "card check," a process that would have forced employees to choose whether to sign union authorization cards in front of coworkers and union organizers, exposing employees to potential intimidation and harassment by those in favor of unionization. When EFCA was defeated, CDW turned its focus to regulatory overreach by the NLRB, which has tried to enact the goals of EFCA through its decisions and regulations.

On December 12, 2014, the Board published its final ambush election rule, drastically changing the process for union representation elections. The rule shortened the time between the union filing a petition for election and the NLRB holding of that election from the previous median time of 38 days to as few as 14 days, effectively limiting employers' ability to communicate with employees prior to a representation election and severely limiting worker access to the information needed to make an informed decision about whether to vote for union representation. The rule also required employers provide, within two business days of the election agreement or decision directing an election, employees' personal telephone numbers and e-mail addresses without providing employees an opportunity to determine which contact information would be handed over, seriously infringing on employees' privacy rights and potentially exposing them to harassment and intimidation.

S. 1350, if enacted, would be a major step in reversing this destructive policy change. Your legislation would ensure employees have a fair opportunity to make an informed decision by requiring at least 35 days before a union election can take place and that employers have a fair opportunity to participate in the union election process by providing them with at least 14 days to prepare their case before an NLRB election officer. In addition, the bill 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.

Thank you once more for introducing S. 1350. CDW looks forward to working with you to advance this important legislation to thwart the ambush election rule's negative effects on American workers and job creators.

Sincerely,

Coalition for a Democratic Workplace

cc: Members of the Senate HELP Committee