

COALITION FOR A DEMOCRATIC WORKPLACE

July 6, 2017

The Honorable Lamar Alexander
Chairman
Committee on Health, Education, Labor
and Pensions
United States Senate
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
Committee on Health, Education, Labor
and Pensions
United States Senate
Washington, DC 20510

Dear Chairman Alexander and Ranking Member Murray:

On behalf of the Coalition for a Democratic Workplace (CDW), we urge the Senate to quickly confirm Marvin Kaplan and William Emanuel to serve on the National Labor Relations Board (NLRB). Kaplan and Emanuel both are extremely qualified to serve as members of the Board and have the expertise to ensure the Board remains true to its mission of enforcing the National Labor Relations Act (NLRA) and serving as a neutral arbiter of labor law.

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 law. 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 or not 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.

Mr. Kaplan, counsel to the commissioner of the Occupational Safety and Health Review Commission, and Mr. Emanuel, a shareholder at the law firm Littler Mendelson PC in Los Angeles, are experts in the field of labor relations. Together they have decades of experience interpreting the NLRA in a manner that is balanced and without favor to political party.

Over the last eight years, the NLRB has overturned an astounding 4,559 years' worth of long-standing precedent, blurred numerous bright-line tests, and dramatically overhauled the union election process – all in an effort to tilt the scales in favor of organized labor.¹ The Board embarked upon this campaign with little regard as to the negative impact these policy decisions would have on workers, employers and the economy in general. Despite the employer community's efforts to demonstrate these negative effects and caution the Board of these consequences, the NLRB continued pursuing its radical agenda at the expense of worker and employer rights and our economy.

¹ <http://myprivateballot.com/wp-content/uploads/2016/12/CDW-NLRB-Precedents-.pdf>

We therefore applaud President Trump for his choices to serve as the next members of the NLRB. Kaplan and Emanuel will interpret the NLRA in a manner that is fair to workers, unions and employers alike, restoring much needed balance to the agency. They will help to return the Board to its traditional role as a neutral arbiter of labor disputes and will create a climate for economic growth by freeing employers from the unnecessary red-tape and uncertainty associated with recent Board activities.

We urge the Committee on Health, Education, Labor and Pensions to approve the nominees promptly following a hearing, so the Senate may confirm them and the NLRB can return to fulfilling its statutory mission.

Sincerely,

Coalition for a Democratic Workplace

cc: Members of the Senate HELP Committee