

COALITION FOR A
DEMOCRATIC WORKPLACE

October 4, 2017

The Honorable Virginia Foxx
Chairwoman, Committee on Education
and the Workforce
U.S. House of Representatives

The Honorable Bobby Scott
Ranking Member, Committee on Education
and the Workforce
U.S. House of Representatives

Dear Chairwoman Foxx and Ranking Member Scott,

On behalf of the Coalition for a Democratic Workplace (CDW), we thank you for calling a markup on H.R. 3441, the Save Local Business Act, sponsored by Representative Bradley Byrne (R-Ala.). CDW applauds Rep. Byrne for his leadership and supports H.R. 3441 and any attempt to roll back the radical changes made to the joint employer standard by the Obama administration's National Labor Relations Board (NLRB).

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.

In 2015, the Obama NLRB expanded the definition of a "joint employer," which is used to determine when a business should be considered responsible for the labor practices of another. Joint employers are responsible for bargaining with any union representing the jointly employed workers and share liability for violations of the National Labor Relations Act. It is therefore a very complex relationship when established.

The changes made by the Obama Board disrupted decades of established labor law and undermined the relationships between a brand company and local franchise business owners, contractors and subcontractors, and businesses and their suppliers and vendors – all of which have created millions of jobs and allowed hundreds of thousands of individuals to achieve the American Dream of owning their own small business.

We applaud Chairwoman Foxx for calling this markup and Rep. Byrne for introducing H.R. 3441 to mitigate the negative effects of the new joint employer standard. We urge the Committee on Education and the Workforce to vote in favor of H.R. 3441 so that Congressional leaders can bring it to the floor for a vote by the House of Representatives.

Sincerely,

Coalition for a Democratic Workplace