

COALITION FOR A
DEMOCRATIC WORKPLACE

September 14, 2011

Dear Member of Congress:

On behalf of the Coalition for a Democratic Workplace and the undersigned member organizations, who represent millions of job creators concerned with increasing threats to the basic tenets of free enterprise, we write urging you to support H.R. 2587, the Protecting Jobs from Government Interference Act.

The Coalition for a Democratic Workplace, a group of more than 600 organizations, has been united in its opposition to the so-called “Employee Free Choice Act” (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Thanks to the elected officials who stood firm against this damaging legislation, the threat of EFCA is less immediate in this Congress. Politically powerful labor unions, other EFCA supporters, and their allies in government are not backing down, however. Having failed to achieve their goals through legislation, they are now coordinating with the National Labor Relations Board (NLRB or Board) and the Department of Labor (DOL) in what appears to be an all-out attack on business.

One of the most egregious actions by the NLRB, which is also the impetus of the Protecting Jobs from Government Interference Act, is the unprecedented attempt by the agency’s Acting General Counsel to mandate where and how one company—Boeing—can operate and expand its business. The federal government must not be allowed to tell business where it can or cannot create jobs. We view this threat to one employer as a key test for the business environment of all employers.

The Protecting Jobs from Government Interference Act addresses this action by the NLRB and would guarantee that businesses and entrepreneurs have the ability to decide where to conduct their business. The Protecting Jobs from Government Interference Act will encourage investment in our nation and its workforce.

Unfortunately, the NLRB’s actions against Boeing are just the tip of the iceberg. The NLRB and DOL are pushing three initiatives that together would effectively implement the goals of EFCA, by promoting unionization at the expense of an employee’s right to make an informed choice about union representation.

On June 21, the Board proposed a rule on “ambush elections.” Under the proposed rule, the NLRB would conduct representation elections in as few as 10 days after the union files a petition, as opposed to the current median of 38 days between petition and election. The reduced time frame would leave employers barely enough time to secure legal counsel, with little to no opportunity to talk with employees about union representation or respond to promises union organizers may have made to secure union support, even though many of those promises may be completely unrealistic.

A day earlier, on June 20, DOL released its proposed “gag rule.” The proposal would reverse 50 years of established law and require employers to disclose an otherwise confidential agreement when a consultant, lawyer, association or seminar presenter provides the business with materials used for communication with employees about unions, such as policies or prepared speeches, or revises drafts of such documents written by company management. This would be the case even if the consultant, lawyer, association or seminar presenter never actually interacts with the employees. Failure to report or filing false or incomplete reports could result in civil and criminal penalties. The disclosure requirements are intrusive and designed to intimidate businesses, particularly small businesses, from relying on counsel or other consultants to assist in communicating with employees about unions.

Lastly, on August 26, NLRB issued a decision in *Specialty Healthcare*, which will have a particularly negative impact on the economy. The decision paves the way for the formation of micro-unions, which makes it easier for unions to organize by permitting them to form smaller bargaining units that often exclude those similarly situated employees who oppose unionization, effectively disenfranchising them. Prior to the decision, bargaining units had to include employees that share a community of interest. Smaller units were only permissible where the employees in the proposed unit had interests that were “*sufficiently distinct* from those of other employees to warrant the establishment of a separate unit.” This prevented swarms of small “fractured units,” of similarly situated employees.

The NLRB’s decision in *Specialty Healthcare* has opened the door to micro-unions and fractured units, and now businesses face the possibility of having to manage multiple small units of similarly situated employees with increased chances of work stoppages, and potentially different pay scales, benefits, work rules and bargaining schedules. This will greatly limit an employer's ability to cross train and meet customer and client demands via lean, flexible staffing as employees could not perform work assigned to another unit. Employees also will suffer from reduced job opportunities as promotions and transfers will be hindered by organizational unit barriers. The potential negative impact of the *Specialty Healthcare* case to workers, businesses and our economy is dramatic and almost certain to drive many small employers out of business.

Again, we urge you to support the Protecting Jobs from Government Interference Act and to use every tool available to stop these rogue agencies from implementing policies to appease a single special interest at the expense of workers, businesses and our economy. If left unchecked, the NLRB’s and DOL’s actions will fuel economic uncertainty and have serious negative ramifications for millions of employers, U.S. workers they have hired or would like to hire, and consumers.

The Coalition for a Democratic Workplace
and

National Organizations (98):

60 Plus Association

Aeronautical Repair Station Association

Agricultural Retailers Association

Air Conditioning Contractors of America

American Apparel & Footwear Association (AAFA)

American Bakers Association

American Concrete Pressure Pipe Association
American Fire Sprinkler Association
American Foundry Society
American Frozen Food Institute
American Hotel and Lodging Association
American International Automobile Dealers Association
American Meat Institute
American Pipeline Contractors Association
American Rental Association
American Seniors Housing Association
American Supply Association
American Trucking Associations
American Wholesale Marketers Association
AMT - The Association For Manufacturing Technology
Asian American Hotel Owners Association
Assisted Living Federation of America
Associated Builders and Contractors, Inc.
Associated Equipment Distributors
Associated General Contractors of America
Association of Equipment Manufacturers
Automotive Aftermarket Industry Association
Brick Industry Association
Building Owners and Managers Association International
Cement Employers Association
Center for the Defense of Free Enterprise Action Fund
Coalition of Franchisee Associations
College and University Professional Association for Human Resources
Consumer Electronics Association
Custom Electronic Design & Installation Association
Elkhorn Holdings, Inc.
Environmental Industry Associations
Equipment Marketing & Distribution Association
Federation of American Hospitals
Food Marketing Institute
Forging Industry Association
Heating, Airconditioning & Refrigeration Distributors International
(HARDI)
INDA, Association of the Nonwoven Fabrics Industry

Independent Electrical Contractors
Independent Women's Voice
Industrial Fasteners Institute
Interlocking Concrete Pavement Institute
International Association of Refrigerated Warehouses
International Council of Shopping Centers
International Foodservice Distribution Association
International Franchise Association
International Warehouse Logistics Association
LIBERTY ASHES INC.
Metals Service Center Institute
Modular Building Institute
Motor & Equipment Manufacturers Association
National Association of Chemical Distributors
National Association of Electrical Distributors
National Association of Manufacturers
National Association of Mutual Insurance Companies
National Association of Wholesaler-Distributors
National Club Association
National Council of Chain Restaurants
National Council of Farmer Cooperatives
National Council of Textile Organizations
National Federation of Independent Business
National Franchisee Association
National Grocers Association
National Mining Association
National Precast Concrete Association
National Ready Mixed Concrete Association
National Retail Federation
National Roofing Contractors Association
National School Transportation Association
National Small Business Association
National Solid Wastes Management Association
National Systems Contractors Association
National Tooling and Machining Association
North American Die Casting Association
North American Equipment Dealers Association
NUCA Representing Utility and Excavation Contractors

Precision Machined Products Association
Precision Metalforming Association
Printing Industries of America
Real Estate Roundtable
Retail Industry Leaders Association
Snack Food Association
Society for Human Resource Management
Society of American Florists
SPI: The Plastics Industry Trade Association
Steel Manufacturers Association
Textile Rental Services Association
The Real Estate Roundtable
Timken Company
Truck Renting and Leasing Association
United Motorcoach Association (UMA)
United States Chamber of Commerce
Waste Equipment Technology Association

State and Local Organizations (130):

American Rental Association of Connecticut
American Rental Association of Massachusetts
Arkansas State Chamber of Commerce/Associated Industries of Arkansas
Associated Builders and Contractors, Inc. California Chapter
Associated Builders and Contractors, Inc. Central Ohio Chapter
Associated Builders and Contractors, Inc. Central Pennsylvania Chapter
Associated Builders and Contractors, Inc. Chesapeake Shores Chapter
Associated Builders and Contractors, Inc. Delaware Chapter
Associated Builders and Contractors, Inc. Eastern Pennsylvania Chapter
Associated Builders and Contractors, Inc. Florida East Coast Chapter
Associated Builders and Contractors, Inc. Hawaii Chapter
Associated Builders and Contractors, Inc. Heart of America Chapter
Associated Builders and Contractors, Inc. Keystone Chapter
Associated Builders and Contractors, Inc. Massachusetts Chapter
Associated Builders and Contractors, Inc. Michigan Chapter
Associated Builders and Contractors, Inc. Mid Tennessee Chapter
Associated Builders and Contractors, Inc. Nevada Chapter
Associated Builders and Contractors, Inc. New Orleans/Bayou Chapter

Associated Builders and Contractors, Inc. Ohio Valley Chapter
Associated Builders and Contractors, Inc. Oklahoma Chapter
Associated Builders and Contractors, Inc. Pacific NW Chapter
Associated Builders and Contractors, Inc. Pelican Chapter
Associated Builders and Contractors, Inc. Rhode Island Chapter
Associated Builders and Contractors, Inc. Rocky Mountain Chapter
Associated Builders and Contractors, Inc. South Texas Chapter
Associated Builders and Contractors, Inc. Southeast Texas Chapter
Associated Builders and Contractors, Inc. Southern California Chapter
Associated Builders and Contractors, Inc. Western Colorado Chapter
Associated Builders and Contractors, Inc. Western Michigan Chapter
Associated Builders and Contractors, Inc. Western Pennsylvania Chapter
Associated Builders and Contractors, Inc., Florida Gulf Coast Chapter
Associated Industries of Massachusetts
Association of Washington Business
BROADMOOR
California, Nevada, Arizona Automotive Wholesalers Association
Capital Associated Industries (NC)
CenTex Chapter IEC
Central Alabama Chapter IEC
Central Indiana IEC
Central Missouri IEC
Central Ohio AEC/IEC
Central Pennsylvania Chapter IEC
Central Washington IEC
Centre County IEC
Charleston Metro Chamber of Commerce
Chattanooga Area Chamber of Commerce
Colorado Retail Council
Eastern Washington Chapter, IEC
El Paso Chapter IEC, Inc.
Employers Coalition of North Carolina
Fairfax County (VA) Chamber of Commerce
Florida Independent Concrete & Associated Products
Greater Montana IEC
Greater North Dakota Chamber of Commerce
Henderson Chamber of Commerce
IEC Atlanta Chapter
IEC Chesapeake

IEC Dakotas, Inc.
IEC Dallas Chapter
IEC Florida West Coast
IEC Fort Worth/Tarrant County
IEC Georgia Chapter
IEC Greater St. Louis
IEC Hampton Roads Chapter
IEC Kentucky and Southern Indiana
IEC NCAEC
IEC New England
IEC of Arkansas
IEC of East Texas
IEC of Greater Cincinnati
IEC of Idaho
IEC of Illinois
IEC of Kansas City
IEC of Northwest Pennsylvania
IEC of Oregon
IEC of Southeast Missouri
IEC of Texoma
IEC of the Bluegrass
IEC of the Texas Panhandle
IEC of Utah
IEC of Washington ETF
IEC Southern Arizona
IEC Southern Colorado Chapter
IEC Southern Indiana Chapter-Evansville
IEC Texas Gulf Coast Chapter
IEC Western Reserve Chapter
IECA of Arizona
IECA of Nashville
IECA of Southern California, Inc.
IEC-OKC, Inc.
Illinois Chamber of Commerce
Independent Electrical Contractors of Oregon
Kansas Chamber
Little Rock Regional Chamber of Commerce
Lubbock Chapter IEC, Inc.

Management Association of Illinois
MEC IEC of Dayton
Mid-Oregon Chapter IEC
Mid-South Chapter IEC
Midwest IEC
Minnesota Grocer Association
Montana Chamber of Commerce
Montana IEC
Nebraska Chamber of Commerce & Industry
New Jersey IEC
New Jersey Motor Truck Association
North Carolina Chamber
Northern New Mexico IEC
Northern Ohio ECA
NW Washington IEC
Ohio Chamber of Commerce
Ohio Manufacturers' Association
Portland Cement Association
Puget Sound Washington Chapter
Rio Grande Valley IEC, Inc.
Rocky Mountain Chapter IEC
San Antonio Chapter IEC, Inc.
Southern New Mexico IEC
Texas Hospital Association
Texas State IEC
The Employers Association of Charlotte NC
Tri State IEC
Virginia Trucking Association
West Virginia Chamber
West Virginia Oil Marketers and Grocers Association (OMEGA)
West Virginia Trucking Association
Western Carolina Industries
Western Colorado IEC
Western Electrical Contractors Association (WECA)
Wichita Chapter IEC