

COALITION FOR A  
**DEMOCRATIC WORKPLACE**

July 27, 2011

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 it 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, one case pending before the NLRB that may have a particularly negative impact on the economy is *Specialty Healthcare*. In that case, the NLRB is considering reversing decades of established law and allowing “micro-unions.” This would make 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. Under current law, bargaining units must include employees that share a community of interest. Smaller units are only permissible where the employees in the proposed unit have interests that are “*sufficiently distinct* from those of other employees to warrant the establishment of a separate unit.” This prevents proliferation of small “fractured units.”

If the NLRB decides in *Specialty Healthcare* to permit micro-unions and fractured units, businesses would be required 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 would 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 units. Employees also would suffer from reduced job opportunities as promotions and transfers would 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 (128):**

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. 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  
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