

COALITION FOR A DEMOCRATIC WORKPLACE

May 10, 2016

The Honorable Bradley Byrne
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Byrne:

On behalf of the millions of American businesses concerned with the rights of their employees, the economy, and the need for fairness in federal regulation, the Coalition for a Democratic Workplace (CDW) – a broad-based coalition of over 600 organizations focused on labor issues – writes in support of H.J. Res. 87, which provides for congressional disapproval and nullification of the U.S. Department of Labor’s (DOL) final “persuader” rule.

On March 23, DOL issued its final rule, which makes significant changes to the reporting and disclosure requirements for employers, attorneys and other experts under the Labor Management Reporting and Disclosure Act. For over 50 years, employers and the experts they hire, known as persuaders, had to disclose any arrangements where an expert communicated directly with employees about their decision to unionize. The disclosure was intended to ensure employees knew the persuader was acting on behalf of the employer. If the attorneys or other hired experts did not communicate directly with employees, however, but instead simply provided “advice” to the employer about how to legally communicate with employees, then no disclosure was necessary or required.

DOL’s final rule eliminates this bright-line “advice” exemption replacing it with an incredibly vague standard, which could require disclosure for a host of interactions between employers, hired experts and associations providing advice on employee or labor relations. Failure to meet the disclosure requirements can result in criminal sanctions.

The changes provide no benefit to employees but will make it very difficult for attorneys to maintain client confidentiality and small businesses to obtain confidential and critical legal counsel on labor relations matters. The rule is designed to silence employers. It is unfair and unlawful and should be withdrawn.

We thank you for your leadership in introducing H.J. Res. 87 and ask Congress to act quickly to pass the measure.

Sincerely,

The Coalition for a Democratic Workplace

And the following organizations:

American Bakers Association
American Fire Sprinkler Association
American Foundry Society
American Fuel & Petrochemical Manufacturers
American Hospital Association
American Hotel & Lodging Association
American Pipeline Contractors Association
American Rental Association
American Society of Employers
American Staffing Association
American Supply Association
American Trucking Associations
Argentum (Formerly Assisted Living Federation of America)
Asian American Hotel Owners Association
Associated Builders and Contractors
Associated Builders and Contractors of Iowa
Associated Builders and Contractors of Western Washington
Associated Builders and Contractors, Alabama Chapter
Associated Builders and Contractors, Central Florida Chapter
Associated Builders and Contractors, Central Ohio Chapter
Associated Builders and Contractors, Delaware Chapter
Associated Builders and Contractors, Florida East Coast Chapter
Associated Builders and Contractors, Georgia Chapter
Associated Builders and Contractors, Greater Houston Chapter
Associated Builders and Contractors, Greater Michigan Chapter
Associated Builders and Contractors, Hawaii Chapter
Associated Builders and Contractors, Illinois Chapter
Associated Builders and Contractors, Indiana/ Kentucky Chapter
Associated Builders and Contractors, New Jersey Chapter
Associated Builders and Contractors, New Orleans/ Bayou Chapter
Associated Builders and Contractors, North Alabama Chapter
Associated Builders and Contractors, Pelican Chapter
Associated Builders and Contractors, San Diego Chapter
Associated Builders and Contractors, South Texas Chapter
Associated Builders and Contractors, Southeast Texas Chapter
Associated Builders and Contractors, Tennessee Chapter
Associated Builders and Contractors, West Virginia Chapter
Associated General Contractors
Association of Equipment Manufacturers
Auto Care Association
Bearing Specialist Association
Brittney Inc.
Center for Freedom and Prosperity
Center for the Defense of Free Enterprise

Coalition of Franchisee Associations
College and University Professional Association for Human Resources
Equipment Dealers Association
Farm Equipment Manufacturers Association
Forging Industry Association
Franchise Business Services
Global Cold Chain Alliance
Greater Raleigh Chamber of Commerce
Greater Reading Chamber of Commerce & Industry
Heating, Air-Conditioning & Refrigeration Distributors International (HARDI)
HR Policy Association
Independent Electrical Contractors
Independent Office Products & Furniture Dealers Association
Industrial Fasteners Institute
Industrial Supply Association
International Association of Refrigerated Warehouses
International Council of Shopping Centers
International Foodservice Distributors Association
International Franchise Association
International Warehouse Logistics Association
Little Rock Regional Chamber
Monroe Chamber of Commerce
Motor & Equipment Manufacturers Association
National Association of Manufacturers
National Association of Wholesaler-Distributors
National Club Association
National Council of Chain Restaurants
National Federation of Independent Business
National Franchisee Association
National Grocers Association
National Lumber and Building Material Dealers Association
National Marine Distributors Association
National Office Products Alliance
National Precast Concrete Association
National Ready Mixed Concrete Association
National Restaurant Association
National Roofing Contractors Association
National Small Business Association
National Stone, Sand and Gravel Association
New Jersey Motor Truck Association
Northeastern Retail Lumber Association
Office Furniture Dealers Alliance
Outdoor Power Equipment and Engine Service Association
Pennsylvania Chamber of Business and Industry
Retail Industry Leaders Association
SNAC International (Formerly the Snack Food Association)

Society for Human Resource Management
SPI: The Plastics Industry Trade Association
Thermoset Resin Formulators Association
Truck Renting and Leasing Association
US Chamber of Commerce
WCI, Inc.
Wisconsin Hotel & Lodging Association

cc: United States House of Representatives