AHLA
AMERICAN HOTEL & LODGING ASSOCIATION

The Honorable John Kline
Chairman, House Education & Workforce Committee
Washington, DC 20515

Dear Chairman Kline:

On behalf of the American Hotel & Lodging Association (AH&LA), I urge you to support S. J. Res 8, which calls for Congressional disapproval of the National Labor Relations Board's (NLRB or Board) recent rulemaking which drastically alters the procedures for union representation elections, when it comes before the House for consideration. The NLRB's final "ambush election" rule, which goes into effect on April 14, 2015, will deprive lodging employees of the time and information necessary to make an informed choice about union representation and AH&LA members of their free speech and due process rights. Ensuring employees make an informed choice about union representation is essential to stable labor and employee relations and the lodging industry's ability to continue to prosper, grow, and provide more jobs for the American people. AH&LA supports S. J. Res 8 and urges Congress to approve of the resolution and nullify the Board's ruling.

AH&LA is a national association representing all sectors and stakeholders in the U.S. lodging industry, including owners, Real Estate Investment Trusts (REITs), chains, franchisees, management companies, independent properties, suppliers, and state associations. AH&LA is the sole national organization for the hospitality industry and works to advocate for those business owners who provide nearly 2 million employees and generate $155.5 billion annually. The lodging industry is one of the nation's largest employers and has helped lead the national economic recovery with 52 months of steady growth. It is important to note that this industry is comprised largely of small businesses with more than 55% of hotels having 75 rooms or less.

The Board published the final ambush election rule on December 12, 2014. When it goes into effect in April of this year, the rule will:

- Shorten the time between a union petition for election and the day the Board conducts the representation election from the current median of 38 days to as few as 14 days;
- Deprive employers of due process rights that have been integral to the existing election process; and
- Require employers provide the union with employees' personal phone numbers and email addresses.

The last requirement seriously infringes on the privacy rights of employees. Employees would neither have the right to prevent the release of their contact information nor have the ability to determine which contact information is provided. This creates an unnecessary increase in risk to the employee of intimidation, harassment, identity theft, or other fraud.

By shortening the election time frames, the rule also effectively deprives employers of free speech as it significantly limits the time they have to discuss union representation with their employees. This also infringes on employees' right to make an informed choice.

Under current law, unions are permitted to campaign months prior to the election and during that time unrealistic promises are often made to employees. By shortening the election period, the rule greatly limits employers' ability to respond to any promises or allegations made by the union, significantly reducing employees' opportunity to gather all the facts needed to make an informed choice about representation prior to the election. Without such facts, workers may enter into collective bargaining relationships with misperceptions about their employer and unrealistic expectations, creating unnecessary labor-management tension and undermining the stability of the bargaining relationship and future labor and employee relations. This will negatively impact consumers, employees, employers and job growth.

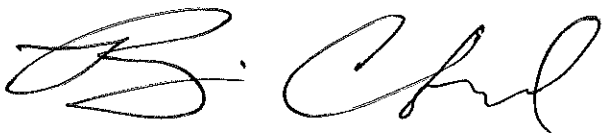
In addition, many small business owners, when facing a union organizing campaign, need to consult with outside counsel in order to both understand the organizing drive as well as the laws in place governing the union election process for fear of violating the complex legal requirements and responsibilities imposed by the NLRA. The ambush election rule requires a hearing within 8 days of a petition with an election held shortly thereafter. This leaves very little time for an employer to secure outside counsel and develop a response to the factual and legal issues involved in the election. Thus, the shortened election time frames greatly increases the chance that smaller business owners will accidentally waive important rights or violate the NLRA or related laws.

Small business owners within the hospitality industry, as well as the rest of the economy, are already struggling with current regulations; adding such a complex array of laws and restrictions under the NLRA to that already substantial regulatory burden without time to secure legal counsel is unnecessary, unfair, and harmful to our economy and job growth.

The Board's own statistics show that the median time from petition to election over the past ten years has been 38 days, with nearly 95% of elections occurring within 56 days in 2013 and 95.7% within 56 days in 2014. The current timeframe between petition and election was reasonable and fair for all involved, and the NLRB's rule is unjustified and needless.

In summation, the rule is entirely unnecessary and only creates unwarranted burdens and limitations on employees' right to informed choice and privacy as well as employers' due process and free speech rights and access to legal counsel. For these reasons, AH&LA urges Congress to quickly approve this important resolution.

Sincerely,



Brian Crawford
Vice President, Government and Political Affairs