

STEPHEN E. SANDHERR, Chief Executive Officer



March 13, 2015

The Honorable John Kline
U.S. House of Representatives
Washington, DC 20515

Re: AGC Key Vote – Support Joint Resolution on NLRB Representation Case Procedures Rule

Dear Chairman Kline:

On behalf of the Associated General Contractors of America (AGC), I am writing to urge you to support S.J.Res.8, the joint resolution providing for disapproval of the National Labor Relations Board (NLRB) rule on representation-case procedures, also known as the “quickie election” or “ambush election” rule. AGC believes this issue to be of such importance to the construction industry that AGC will designate this as a “key vote” when the joint resolution reaches the House floor.

By expediting the union representation election cycle to as little as 14 days, the NLRB’s rule denies employers due process and ample time to prepare. It also effectively limits workers’ access to information and provides an inadequate opportunity to consider information from both their employer and the union before a vote takes place. This rule will have a particularly difficult application and detrimental impact on the construction industry due to the complexity of identifying the appropriate bargaining unit and determining voter eligibility due to the decentralized nature of construction workplaces operated by the same employer.

In construction, the rule can directly affect both employers with unionized workforces as well as those whose workers are not yet organized by putting current pre-hire agreements in jeopardy. Historically, both union contractors and building trade unions have benefitted from the ease, convenience, and flexibility of 8(f), or pre-hire, agreements unique to the construction industry. The “quickie election” rule would enable a union to more readily convert their temporary 8(f) relationship to a permanent 9(a) relationship in order to restrain a union contractor's flexibility or restrain a rival union from taking over its jurisdiction. In addition, a rival union might use the election process to take jurisdiction from a union with an 8(f) relationship.

The NLRB rule is a change in direction from over 50 years of U.S. labor law where the NLRB has almost never issued regulations and has frequently recognized the unique and complicated aspects of the employer-employee relationship in the construction industry. AGC is concerned that this regulation could have substantial unintended consequences and destabilize an industry that is still recovering from the economic downturn.

AGC urges you to support S.J.Res.8 and restore union election procedures that have stood in place for decades.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephen E. Sandherr', is written over a white background.

Stephen E. Sandherr