## 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 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, 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 units. 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