

April 8, 2014

U.S. House of Representatives
Washington, D.C. 20515

Re: Support for the Workforce Democracy and Fairness Act (H.R. 4320) and the Employee Privacy Protection Act (H.R. 4321)

Dear Representative:

On behalf of HR Policy Association, I am writing to urge you to support two critical pieces of pending employment legislation: the Workforce Democracy and Fairness Act (H.R. 4320) and the Employee Privacy Protection Act (H.R. 4321). Taken together, these two bills represent an important check on some of the National Labor Relations Board's (NLRB) recent activities, and will help ensure union elections continue to be conducted over a reasonable period of time that allows employees to reach informed decisions, while also maintaining control over their personal information in the process.

HR Policy Association is a public policy advocacy organization representing the chief human resource officers of more than 360 of the largest employers in the United States. Collectively, their companies employ more than 10 million people in the United States; nearly nine percent of the private sector workforce. Our members believe the NLRB's recently re-introduced "ambush election" rules would severely disrupt the workplace, and the NLRB's proposal that employers be made to disclose their employees' personal data to unions unfairly exposes worker's private contact details without their consent.

Among its provisions, H.R. 4320 would ensure that employees are given sufficient time to consider whether or not they want to be represented by a union. Rather than being swept through the process in as few as 10 days, as the NLRB has proposed, H.R. 4320 sets a more practical timeframe, stipulating that no union election could be held in less than 35 days – a number which closely approximates the current 38-day median. The bill also preserves existing procedures that enable the NLRB to accurately determine which employees should be included in the unit the union would represent. The legislation would overturn the NLRB's Specialty Healthcare decision, which will result in fragmented workplaces where unions can represent extremely small groups of employees (e.g., the cashiers in a retail setting) even where their interests coincide with the broader workforce.

H.R. 4321, tackles the issue of employee data privacy by giving employees greater control of their personal information during union elections. Rather than requiring employers to provide unions with employees' personal contact information, such as email addresses and phone numbers, without their consent, as the NLRB has proposed, H.R. 4321 stipulates that employees would be able to choose which item of their contact information is shared with unions in addition to their names.

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HR Policy Association urges you to strongly support H.R. 4320 and H.R. 4321 as they move through the committee process and are eventually voted on by the full House of Representatives. If you or members of your staff are interested in discussing the matter with our policy team further, please do not hesitate to reach out to me. We thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel V. Yager". The signature is fluid and cursive, with a large initial "D" and a long, sweeping tail.

Daniel V. Yager
President and General Counsel