



November 29, 2011

TO ALL MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

I am writing on behalf of the National Association of Wholesaler-Distributors (NAW) to urge your support for H.R. 3094, the Workforce Democracy and Fairness Act. NAW is a national trade association representing approximately 40,000 enterprises with 150,000 places of business in the United States. NAW's members are job creators in every Congressional District in the country, with aggregate sales of \$4.2 trillion and total employment of 5.5 million. For information on wholesale distribution's contribution to the economy of your district, please go to: <http://www.naw.org/institute/impact.php>

The Workforce Democracy and Fairness Act is intended to address and remedy two of the most recent inappropriate actions of the National Labor Relations Board (NLRB). Specifically, H.R. 3094 would reverse the Board's *Specialty Healthcare* decision and block further action on their proposed ambush election rules. *Specialty Healthcare*, if allowed to stand, would spawn the creation of micro-unions and create havoc in affected workplaces. The ambush election rules, if allowed to proceed, would effectively remove employers from any involvement in union organizing campaigns and deny workers access to information they need to make critical decisions.

These assumed outcomes are not the hyperbolic reaction of the employer community – they are the stated objectives of NLRB recess appointee Craig Becker. In Mr. Becker's own words:

- “*On these latter issues employers should have no right to be heard in either a representation case or an unfair labor practice case, even though Board rulings might indirectly affect their duty to bargain.*”
- “*Employers "should be stripped of any legally cognizable interest in their employees' election of representatives."*”
- “*Similarly, employers should have no right to raise questions concerning voter eligibility or campaign conduct. . . On the questions of unit determination, voter eligibility, and campaign conduct, only the employee constituency and their potential union representatives should be heard.*”

(continued)

NATIONAL ASSOCIATION OF WHOLESALER-DISTRIBUTORS

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While the apparent motive of the Board in its recent actions is to increase union membership by removing employers from the playing field in union organizing efforts, the real victims of their agenda are America's workers, whose ability to make informed choices would be virtually eliminated under new Board rules and procedures. This, too, is not coincidental, but the intended outcome clearly stated by Mr. Becker, who would deny workers the right to choose to remain non-union:

"Just as U.S. Citizens cannot opt against having a congressman, workers should not be able to choose against having a union as their monopoly-bargaining agent."

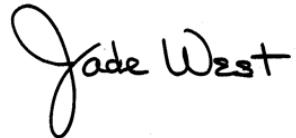
The National Labor Relations Act explicitly protects the rights of employees both to choose ***and to reject*** union representation, and the NLRB is responsible for the fair and unbiased implementation of the U.S. labor law that directly impacts American employers and workers.

The Board has abandoned any pretense of fair and unbiased implementation of the National Labor Relations Act, and by its actions is eviscerating the rights of the workers the law is intended to protect.

If the *Specialty Healthcare* decision and the ambush election rules are allowed to stand, the mission of the Board to increase private sector union membership above its current 6.9% level may be achieved, but at a grave cost to employers and workers alike.

I urge you to vote for H.R. 3094, and we will include votes on or in relation to this legislation in our key votes for this session of Congress.

Sincerely,

A handwritten signature in black ink that reads "Jade West". The signature is fluid and cursive, with "Jade" on the top line and "West" on the bottom line.

Jade C. West
Senior Vice President-Government Relations