



April 8, 2014

The Honorable John Paul Kline Jr.  
Chairman  
Education and the Workforce Committee  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Kline:

On behalf of the National Retail Federation (NRF), I am writing to urge your support in Committee for the Workforce Democracy and Fairness Act (H.R. 4320) and The Employee Privacy Protection Act (H.R. 4321). NRF strongly supports these bills to codify existing National Labor Relations Board (NLRB) election procedures to continue the careful balance in the process governing union organizing.

NRF is the world's largest retail trade association, representing discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants and Internet retailers from the United States and more than 45 countries. Retail is the nation's largest private sector employer, supporting one in four U.S. jobs – 42 million working Americans. Contributing \$2.5 trillion to annual GDP, retail is a daily barometer for the nation's economy. NRF's This is Retail campaign highlights the industry's opportunities for life-long careers, how retailers strengthen communities, and the critical role that retail plays in driving innovation.

H.R. 4320 will codify into law an election system that has worked well for decades. It will ensure that employees will have ample time to hear from both sides in order to make an informed decision during a union election campaign. With no election being able to be held in less than 35 days, it provides time for employees to truly understand the points presented by both union and management. With the current average of 37 days for an election to be held, this seems like a reasonable timeframe. The bill will also require the NLRB to clarify the bargaining group prior to any election so that it is clear which groups of employees are deemed appropriate.

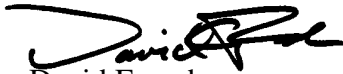
H.R. 4321 is legislation that will help update the way in which employees can control their personal information. There are currently efforts underway at the NLRB that would change what information is given to union organizers. Many employees do not realize that employers are required to provide this information. Under this bill, employees would be empowered to determine what personal information is provided. Employers would be given seven days to provide employee names as required by law, but it would leave the question of what other one piece of information is provided up to the discretion of individual employees.

NRF would also like to see legislation that would address the Board decision issued in August 2011 called *Specialty Healthcare*. This decision, which overturned a half-century of case law, impacts all employers; and it will allow unions to “cherry pick” a select group of employees to ensure a union election victory. *Specialty Healthcare* implemented within a retail workplace will also negatively impact employer/employee relations by fostering more conflict and uncertainty because of multiple unions representing different groups of employees.

H.R. 4320 and H.R. 4321 will provide for a fair hearing process to take place and require a campaign phase that would be sufficient to ensure that employee and employer rights are protected. The legislation would preserve balance in the organizing process by ensuring that employees will have access to information from both the union and the employer as they seek to determine whether or not they want to be represented by a union. The legislation would give employees more control of their personal information.

NRF fully supports H.R. 4320 and H.R. 4321. We look forward to working with the House of Representatives to move this bill forward.

Sincerely,

A handwritten signature in black ink, appearing to read "David French", with a stylized flourish at the end.

David French  
Senior Vice President  
Government Relations