

March 16, 2015

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

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker and Minority Leader Pelosi:

On behalf of the Retail Industry Leaders Association (RILA) and our member companies, I write to urge the House to take up and pass S.J. Res. 8, a joint resolution disapproving of the National Labor Relations Board's (NLRB or Board) ambush elections rule, before the flawed rule goes into effect on April 14. We believe Congress has an obligation to weigh in on this matter, which would have a dramatic effect on American businesses' ability to grow jobs.

By way of background, RILA is the trade association of the world's largest and most innovative retail companies. RILA members include more than 200 retailers, product manufacturers, and service suppliers, which together account for more than \$1.5 trillion in annual sales, millions of American jobs and more than 100,000 stores, manufacturing facilities and distribution centers domestically and abroad.

The NLRB's rule on ambush elections will (1) limit the issues and evidence that can be presented at a pre-election hearing, which may leave important questions unresolved prior to a union election; (2) restrict employer arguments to only those identified prior to a pre-election hearing; (3) make all Board review of Regional Directors' decisions discretionary; (4) impact employees' privacy by forcing employers to provide private phone numbers and email addresses of their employees; and (5) eliminate the current 25-day "grace period," ultimately stripping management the time needed to educate employees. Shortening the election time frames also debilitates the employees' ability to make an informed decision.

This recent ruling is just one of the many actions taken by the NLRB and the Administration that promote a pro Big Labor agenda at the expense of employers and employees. In the Board's decision in *Specialty Healthcare and Rehabilitation Center of Mobile*, the Board established micro-bargaining units, thus allowing organized labor to gerrymander bargaining units. When

combined with the current rulemaking on ambush elections, these decisions will have a dramatic effect on the business community.

These issues are particularly important in retail, where many among the executive ranks started their careers working on the floor of a store. Retailers encourage employees to learn about their business by working in multiple departments. They recognize the value of a workforce that is cross-trained and employees appreciate the variety in their day-to-day work activities. It is especially important in the current economy, when many employees are looking for additional shifts, which are more available when free movement between departments can take place. If the recent NLRB decisions on ambush elections and micro-bargaining units are allowed to stand, today's front line employees will be denied the cross-training and advancement opportunities enjoyed by their predecessors.

RILA members are leaders in the workforce arena and we offer our support to help maintain an appropriate balance between employer and employee rights under the National Labor Relations Act. However, absent Congressional intervention, these actions of the NLRB will needlessly trample privacy rights and exacerbate tensions between employers and employees, increasing economic uncertainty for the entire retail industry and its millions of employees.

Thank you in advance for your attention to this important matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kelly Kolb".

Kelly Kolb
Vice President, Government Affairs