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AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
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April 9, 2014

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

Re: Support the Workforce Democracy and Fairness Act and the Employee Privacy Protection Act

Dear Representative Kline:

I urge you to support the Workforce Democracy and Fairness Act and the Employee Privacy Protection Act, which will codify existing National Labor Relations Board (NLRB) election procedures and prevent the board from imposing sweeping changes on the workplace through regulation. These bills are in response to the proposed NLRB 'ambush' election rule.

The NLRB 'ambush election' rule is not needed and it creates a framework that could literally ambush employers and workers alike. By expediting the union representation election cycle to as little as 10 total days, the NLRB's rule denies employers due process and ample time to adequately prepare for the complex rules that govern their relationships with their workers. It will also effectively limit workers' access to information and an adequate opportunity to consider all information before deciding whether they want to be represented by the union seeking to represent them.

This rule will have a particularly difficult application in the construction industry. This is primarily due to the complexity of identifying the appropriate bargaining unit and determining voter eligibility in the industry, and due to the decentralized nature of construction workplaces. It is worth noting that, in construction, the rule can directly affect employers with unionized workforces as well as those whose workers are not yet organized, by putting their current pre-hire agreements in jeopardy. Historically, both union contractors and building trade unions have benefitted from the ease, convenience, and flexibility of 8(f), or pre-hire, agreements unique to the construction industry. The "ambush election" rule would enable unions to more readily convert their 8(f) relationships to 9(a) relationships in order to restrain a union contractor's flexibility or restrain a rival union from taking over its jurisdiction. In addition, a rival union might use the election process to take jurisdiction from a union with an 8(f) relationship.

The NLRB 'ambush election' rule is a significant change in direction from over 50 years of U.S. labor law where the NLRB has almost never issued regulations and has frequently recognized the unique and complicated aspects of the employer-employee relationship in the construction industry. Again, please support the Workforce Democracy and Fairness Act and the Employee Privacy Protection Act.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey D. Shoaf', is written over a light-colored background.

Jeffrey D. Shoaf
Senior Executive Director
Government Affairs