



April 8, 2014

Dear Chairman Kline and Ranking Member Miller:

On behalf of the Society for Human Resource Management (SHRM), I am writing to express strong support for legislation that would overturn the National Labor Relations Board's (NLRB) ambush election proposed rule. It is my understanding that two important pieces of legislation, H.R. 4320, the Workforce Democracy and Fairness Act and H.R. 4321, the Employee Privacy Protection Act, will be marked up by the House Education and Workforce Committee on Wednesday, April 9, 2014.

As you know, the NLRB recently re-proposed an expansive rule changing the Board's procedures for union election campaigns. Despite robust public input in response to the previous rule, with the Board receiving 65,958 written comments, including many from SHRM members expressing their concerns, the current proposed rule is essentially the same as the 2011 version.

SHRM supports balanced labor-management relations. Furthermore, SHRM believes an employee's decision on unionization should be based on relevant, timely information and free choice. If the ambush election rule is adopted, shortening the time between filing a petition and the election, it will create an imbalance between the rights of employees, employers and labor organizations in the pre-election period.

Under the proposed rule, unions could prepare their entire unionization campaign before making it public. Shortening the time between the filing and the election creates a disadvantage for employers. Unless employers have adequate time to prepare their educational materials, employees will not have full information about the pros and cons of unionization. If implemented, this proposed rule would have a chilling effect on labor-management relations.

As a result of the NLRB proposed rule, it is critically important for the Committee to advance H.R. 4320 to effectively nullify the ambush election proposal by guaranteeing employers at least 14 days between a union petition filing and a NLRB pre-election hearing. It would also require at least 35 days after a petition filing before an election can be held. In addition, H.R. 4321 would provide employees greater control over the disclosure of their personal information.

On behalf of more than 275,000 SHRM members, I urge your support for H.R. 4320 and H.R. 4321 during the Committee's markup.

Sincerely,

A handwritten signature in black ink that reads 'Michael P. Aitken'.

Michael P. Aitken
Vice President, Government Affairs

CC: Members of the House Education and the Workforce Committee