



**STATEMENT OF  
JOHN CAREW**

**PRESIDENT,  
CAREW CONCRETE & SUPPLY CO.**

**ON BEHALF OF THE  
NATIONAL READY MIXED CONCRETE ASSOCIATION**

**BEFORE THE**

**HOUSE COMMITTEE ON EDUCATION AND THE WORKFORCE**

**ON**

**“RUSHING UNION ELECTIONS”**

**JULY 7, 2011**

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Chairman Kline, Ranking Member Miller, and other members of the committee, thank you for this opportunity to share my views on the proposed new union election rules currently being considered by the National Labor Relations Board (NLRB).

My name is John Carew, I'm President of Carew Concrete & Supply Co., a second-generation, family owned ready mixed concrete company founded in 1977 and based out of Appleton, Wisconsin. Before becoming President of Carew Concrete & Supply Co. ten years ago, I successfully worked my way up through the ranks of my family's business originally starting out as a yard laborer and later driving concrete mixer trucks. We currently employ 170 employees spread throughout thirteen ready mixed concrete and aggregate plants. We operate a fleet of over 150 vehicles, and deliver more than 90,000 yards of concrete annually.

I'm also here today testifying on behalf of the National Ready Mixed Concrete Association (NRMCA). Founded in 1930, NRMCA represents more than 1,300 member companies and their subsidiaries that employ more than 125,000 American workers who manufacture and deliver ready mixed concrete. The Association represents both national and multinational companies that operate in every congressional district in the United States. The industry is currently estimated to include more than 65,000 ready mixed concrete trucks.

The current makeup of the ready mixed concrete industry is top-heavy; meaning that a large majority of the ready mixed concrete produced in the United States comes from a small number of large, vertically integrated companies. These companies amount to nearly fifteen percent of the ready mixed concrete companies in the United States. The other roughly eighty-five percent of the industry is made up of small businesses similar to Carew Concrete & Supply Co. As with most small businesses, owning and operating a ready mixed concrete company means that you are responsible for everything whether it's ordering inventory, hiring employees, meeting environmental and safety regulations, dealing with an array of mandates from federal, state and local governments, and when appropriate even unilaterally educating employees about their rights and informing them about union organizing decisions.

As someone that has experienced an organizing drive I would like to share my story, and how the proposed rule would have hurt and complicated the process.

In mid-September of 1999, during one of our busiest times of the year, out of the blue we received word that a union was attempting to organize our entire employee base. Shortly thereafter, we consulted with an attorney who advised us to seek legal counsel specific to union organizing drives. Being a small business without in-house labor counsel and with limited resources it wasn't until about a week later when we finally were able to hire an attorney, although the firm was located 100 miles away in Madison. From that point on, until the election took place 42 days later in October, saying we were busy would be an understatement.

Due to the high number of employees, the thirteen employment sites, and the fact that the organizing drive was for the entire employment base, not just a certain set of employees, countering false union claims and educating every employee when they were on-duty was an around the clock job. To accomplish all of this the first step was to educate all of the company's supervisors and managers, in case they too were approached by a confused employees with questions. Next we had to create specific responses to specific union claims and relay them back to the employees. This required utilizing the bulk of the company's management resources, and at one point we were even forced to temporarily shut down certain offices in order to respond to the many onerous union claims.

From the time we received the election petition, up until the actual election, we ran down the clock on the allotted time to reach each concrete plant and communicate with every employee about the organizing drive. Employees were commonly told inaccurate statements, and received false promises by union agents. Specifically, employees would receive mail containing not enough information, misinformation, and misleading information on issues such as striking, health care insurance, wages and pensions. At times employees were inaccurately told they would receive increased wages, similar to cities with higher wages nearly 100 miles away. Our response to this, in coordination with our new attorney and in accordance with the law, was to draft and hand out "fact sheets" about the pros and cons of joining a collective bargaining unit, and exactly what, if anything, the union could promise. We sent out numerous blast alerts to each of our plant locations which would then be posted at each site. The alerts, after we cleared them with our attorney, responded to specific information employees had been told or read in documents they had received in the mail. We felt it was necessary to supply these educational materials in order to give our employees more information so they would be able to make an accurate and educated decision.

Although the process was long, arduous, and aggravating, the fact that we were allowed and needed that time to hire representation, identify the areas of concern with the election, draft and file all appropriate documentation, respond to union rhetoric, and communicate with our employees, was essential. Due to the process afforded to Carew Concrete & Supply Co., we were able to successfully, and legally, respond to and overcome the union's actions, which resulted in the union losing the election by a 2 to 1 margin. I take pride in knowing that still today Carew Concrete & Supply Co. is a healthy business with 170 well-paid, happy employees. Like many small, family-owned businesses our employees have become an extension of our family. This relationship is the backbone of our thirty-four years of success.

Carew Concrete & Supply Co. and NRMCA support employees' right to make informed decisions collectively about their employment future, however we believe the newly proposed union election rules proposed by the NLRB do not support this same principle.

If Carew Concrete & Supply Co.'s union organizing experience had been subject to the changes contained in the proposed rule it would have been dramatically different. In particular, the overall time frame allowed and needed between the notice of election and the execution of the election was critical to accurately inform our employees about the issues. The time frame allowed the company to fully assess and subsequently hire the right legal representation for our situation. Most small ready mixed concrete companies and small companies in general, do not know what they can and cannot say to their employees about or during a union organizing drive. When an employer receives an election petition, which is often when they first become aware that their employees are facing a union organizing election, it frequently takes longer than seven days to find and hire a consultant to advise them on their rights, abilities, and the complexity of union election regulations. Under the new rule the shortened time frame does not even take into account the time it takes to accurately identify all the issues needing consideration, the drafting of the employer's statement of position, preliminary voter list, and discovering relevant evidence. The flexibility in the current system allows companies to accurately and thoroughly assess the process, actions, and options associated with a petition of election and thus, it should be kept intact.

Already, unions have the advantage of subtly working behind the scenes for months without an employer's knowledge to persuade employees to unionize. It is only fair that an employer be allowed the current time frame to accurately communicate with employees. Employers are already at a disadvantage and under this new rule would be disadvantaged even further. Drastically limiting any amount of employee/employer communication brushes too close to infringing on the freedom of speech rights of both parties.

Just as Carew Concrete & Supply Co. and NRMCA support employees' right to make informed decisions collectively about their employment future, we also believe in protecting an employer's right to be a part of that process and to have the ability to honestly and effectively communicate an employer's position to employees without obstruction.

Carew Concrete & Supply Co. and NRMCA urge the NLRB to refrain from issuing a final rule on these proposed changes. Employees deciding their employment future should not be a snap decision. It is only fair that before a group of employees decides on their collective bargaining rights that they receive information from both union and their employer about what unionizing really achieves.

Thank you again for allowing me to testify today. I would be happy to answer any questions the committee may have.