

Representative Virginia Foxx
Chairwoman
House Committee on Education and the Workforce
2176 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman Foxx:

The Customized Logistics and Delivery Association (CLDA) strongly opposes H.R. 20, the “Protecting the Right to Organize Act.”

The PRO Act would result in profoundly negative consequences for employers and employees alike and significantly inhibit CLDA member businesses across the 50 states.

The PRO Act threatens to upset the carefully-struct balance between employer rights and union rights in labor negotiations by expressly eliminating employers as a party in elections. Unfortunately, the bill also removes the ability of workers to hold secret ballots to decide whether or not they should join a union.

Regretfully, this bill would upend decades of labor practices established under the Taft-Hartley Act and allow for the utilization of aggressive organizing tactics of a bygone era. Once again, unions would be permitted to launch secondary boycotts and target any employer doing business with a targeted company, regardless of the connection with the union. A return to these harmful tactics would place broad segments of the American economy at risk to disruptive organizing tactics.

The bill would codify the restrictive classification of independent contractors as defined in California’s fundamentally flawed “ABC” independent contractor statute that has severely inhibited the operations of independent contractors in that state. Under the new ABC test, businesses would have to prove that their independent contractor meets all three criteria of the test in order to be classified as an independent contractor. The three tests are as follows.

- The worker is free from control or direction in the performance of their work.
- The service is performed outside the usual course of business.
- The worker is customarily engaged in independent trade, occupation, profession, or business.

This an unworkable standard and must not be allowed to be enacted into law.

Moreover, the Pro Act upends over two dozen state-enacted right-to-work laws. Arbitrarily invalidating state-enacted right to work laws would force non-union employees to contribute union fees regardless of whether they decide to join said union. The Pro Act not only ignores the



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will of twenty-eight state right-to-work laws but would also force countless workers to pay unions fees regardless of their decision to participate in a labor organization.

Finally, the PRO Act would codify the NLRB's inflexible and unworkable joint-employer definition. Putting this definition in law will make it that much harder to reverse.

H.R. 20, as currently constituted, would truly be a devastating blow to the logistics and delivery industry and therefore CLDA strongly opposed its cosponsorship and passage.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason Burns', is positioned above the typed name.

Jason Burns
President
Customized Logistics and Delivery Association