

COALITION FOR A
DEMOCRATIC WORKPLACE

March 20, 2013

The Honorable John Kline
Chairman
Committee on Education and the Workforce
2181 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

The Honorable George Miller
Ranking Member
Committee on Education and the Workforce
2181 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Kline and Ranking Member Miller:

On behalf of millions of job creators concerned with mounting threats to the basic tenets of free enterprise, the Coalition for a Democratic Workplace (CDW) writes in support of the Preventing Greater Uncertainty in Labor-Management Relations Act (H.R. 1120). This legislation will provide clarity to for employers, employees and other stakeholders affected by the partisan and unlawful actions of the National Labor Relations Board (NLRB), while preserving its noncontroversial functions.

CDW is a broad-based coalition consisting of hundreds of members that in turn represent millions of employers. The coalition is united in opposition to the so-called "Employee Free Choice Act" (EFCA) and EFCA alternatives that pose a similar threat to workers, businesses and the U.S. economy. Although EFCA poses a lesser threat today, politically powerful labor unions and their allies in government have turned to the NLRB to enact EFCA-like policies through administrative rulings and regulations.

On Jan. 4, 2012, President Obama brazenly ignored the U.S. Constitution and the rules of the Senate by packing the NLRB with illegal recess appointees to keep the anti-employer policies rolling. Not surprisingly, numerous legal challenges were filed against the appointments, including *Noel Canning v. NLRB*, in which CDW intervened. On Jan. 25, 2013, the U.S. Court of Appeals for the District of Columbia (D.C. Circuit) unanimously invalidated the president's appointments. CDW strongly supported the ruling, hailing it as a major milestone in reining in an out-of-control federal agency seemingly bent on enacting a special interest agenda.

The Board finds itself in a now-familiar position: its legitimacy, and in turn its ability to enforce the nation's labor laws and promote industrial stability is in doubt yet again. Both the administration and the Board itself could have taken steps to avoid this stain on the NLRB's reputation and minimize uncertainty. Instead, each has signaled it is more concerned with driving its political agenda than operating a balanced, legitimate Board. On Feb. 13, the White House re-nominated Sharon Block and Richard Griffin to the NLRB after their recess appointment terms were invalidated. And Board Chairman Mark Pearce has said publicly that the Board "will continue to perform [its] statutory duties and issue decisions," refusing to impose any kind of restraint pending review by the U.S. Supreme Court.

It is now up to Congress to prevent the Board from making matters even worse by continuing to issue harmful, potentially invalid decisions and rulemakings. H.R. 1120 does just that. CDW commends the Education and the Workforce Committee for its swift attention to this matter, and urges the immediate passage of this much-needed legislation.

Sincerely,



Geoffrey Burr
Chair, the Coalition for a Democratic Workplace