



LEGISLATIVE ALERT

March 13, 2015

Dear Representative:

The AFL-CIO urges you to vote against the resolution of disapproval of the National Labor Relations Board's new election rules (H.J. Res 29), when it comes before the House for a vote. Disapproval of the NLRB election rules under the Congressional Review Act (CRA) would undermine the rights of workers to a fair and timely election to decide whether they want to form a union and bargain collectively.

The NLRB's election rules, issued on December 12, 2014, attempt to modernize the Board's election procedures and reduce unnecessary litigation and delay in the election process. The rules are aimed at making the election process run more smoothly and predictably, to the benefit of employers, workers, and unions. The NLRB engaged in a lengthy and comprehensive public comment process in developing the rules, which go into effect on April 14, 2015.

Not only would approval of H.J. Res. 29 wipe out the NLRB's election rules, but it also prohibits the agency from adopting another rule in "substantially the same form" unless specifically authorized by Congress. This means that absent a new law authorizing a new rule, the NLRB would be forever barred from adopting similar election rules. Its rules would be frozen in time, and the Board would be prohibited from adopting rules to utilize new technology, modernize its procedures, or standardize best practices across regions in areas covered by the December 2014 rules. For example, the Board could not issue rules requiring electronic filing of election petitions, consistent with practices in all federal courts.

Opponents of the NLRB's election rules contend that the rules are designed to rush union elections in as little as 10 days and deprive employers of the ability to communicate their views about unionization with their employees. These contentions are baseless. Nothing in the rules establishes a set time period for elections and it is impossible, given how the rules are structured, that an election could take place in 10 days unless both the employer and the union agreed on that timeframe. And nothing in the rules deprives employers of the ability to talk with their employees about unionization – something many employers do with regularity from the day employees are hired.

Too many companies exploit any opportunity for unnecessary litigation and delay in order to wear down support for the union and deny workers the opportunity to bargain for better pay and working conditions. The NLRB's common sense election rules will cut down on unnecessary delay and make the election system more orderly and fair. The AFL-CIO strongly urges you to oppose S J Res 8 when it comes before the House for a vote.

Sincerely,

William Samuel, Director
Government Affairs Department