

AFP LEGISLATIVE ALERTS

Letter of Support: Rep. Kline's Workforce Democracy and Fairness Act, H.R. 3094

Dear Representative Kline,

On behalf of more than 1.8 million Americans for Prosperity activists in all 50 states, I commend you for introducing the [Workforce Democracy and Fairness Act, H.R. 3094](#). Your bill ensures fair and impartial union election procedures and eliminates the specter of “quickie” or “snap” elections, reminding the National Labor Relations Board (NLRB) that any credible protection of workers’ rights includes the right to choose *not* to unionize as well.

Under current law, if a union wants to attempt to organize employees for the purposes of collective bargaining, they must hold an election refereed by the NLRB. Ninety-five percent of union elections are held within 56 days after a petition is filed, an eminently reasonable timeframe. Nevertheless, in June [the Board proposed](#) changes to current procedures that would accelerate that process, move many important administrative issues and legal challenges (including questions like “who is allowed to vote?”) to after the election, and shorten the time from petition to election to as little as 10 days.

Even though current procedures function smoothly in the vast majority of cases the Board claims changes are necessary. Why? [Dissenting NLRB Member Brian Hayes](#) has the best guess as to the motive: “Make no mistake, the principal purpose for this radical manipulation of our [union] election process is to minimize, or rather, to effectively eviscerate an employer’s legitimate opportunity to express its views about collective bargaining.”

When given time to consider all of the arguments, [including those from their employer](#), workers frequently reject union organizing campaigns. They do so because they realize collective bargaining is bad for business, rarely delivers on its promises, and does not advance workers’ interests effectively. President Obama’s NLRB appointees can’t stomach this development, so now they’re changing the rules of the game in favor of their Big Labor allies.

Streamlining regulatory procedures, eliminating frivolous litigation, and utilizing modern information technology for official communication are all laudable goals. But reform should never come at the expense of businesses’ ability to engage in constitutionally-protected free speech and debate or undermine their ability to resolve legitimate legal concerns in impartial proceedings. It also shouldn’t come at the expense of workers who feel empowered enough to keep their employment decisions in their own hands. Using these updates as a ruse to rush through labor elections is completely unacceptable.

Your bill recognizes this bad policy change and stops the NLRB’s mischief. It ensures businesses’ due process rights are protected, allowing employers to raise important legal concerns prior to the election, just as they have in the past. It sets a minimum of 35 days between petition and election to give employers plenty of time to respond to union claims, and plenty of time for workers to formulate an opinion and make an informed choice. It gives clarity to what constitutes a “bargaining unit,” doing away with the practice of forming “micro-unions” and subjecting workplaces to an endless barrage of union elections. Your bill also guarantees a review of post-hearing appeals, which the NLRB seeks to do away with in many cases.

Furthermore, the NLRB wants to give union representatives access to workers’ personal information like e-mail addresses and phone numbers. Your bill rightly corrects this ugly flaw and prevents an officially-sanctioned [invasion of workers’ privacy](#).

Ensuring unions have access to workers and protecting workers’ rights is the NLRB’s proper role. However, unionizing workplaces involves tradeoffs. It lowers business efficiency and job creation; employers have a right to share that side of the story in union organizing campaigns, and workers have a right to reject unionization as well.

Americans for Prosperity is proud to support [your legislation](#). I urge your colleagues to support its passage, and I look forward to working with you in the future.

Sincerely,

James Valvo
Director of Government Affairs
Americans for Prosperity