



WORKFORCE DEMOCRACY AND FAIRNESS ACT H.R. 2776

BACKGROUND: In 2015, the National Labor Relations Board (NLRB) implemented the ambush election rule, imposing significant changes to the rules governing union elections. The board's rule dramatically shortened the time between the filing of a petition for a union election and the election date, making it harder for workers to make an informed decision on whether or not to join a union. The rule:

- ✓ Gives workers as few as 11 days to consider all the consequences of joining a union before they have to vote in the election.
- ✓ Provides employers just seven days to find legal counsel and prepare their entire case to be presented at a pre-election hearing convened by an NLRB election officer.
- ✓ Delays answers to important questions – such as voter eligibility – until after workers have cast their ballots, and limits an employer's ability to raise additional issues or concerns throughout the pre-election hearing process.

These dramatic changes stifle employer free speech and cripple worker freedom for the sake of speeding up union elections. According to one report, union elections have been organized 38 percent faster since the ambush election rule took effect. To make matters worse, the board's 2011 *Specialty Healthcare* decision radically altered policies for determining which group or "unit" of employees will vote in a union election. The resulting "micro-union" scheme empowered union leaders to handpick small units of employees to organize, creating division and discord in the workplace, restricting employee freedom, and forcing employers to bargain with multiple unions and engage in constant labor negotiations.

H.R. 2776: To protect workers' right to make an informed decision in union elections, Rep. Tim Walberg (R-MI), chairman of the Subcommittee on Health, Employment, Labor, and Pensions, introduced the *Workforce Democracy and Fairness Act*. The legislation will codify long-standing NLRB election procedures and restore fairness to union elections.

- ✓ Guarantees workers the ability to make a fully informed decision in a union election. No union election will be held in less than 35 days. Workers will have a chance to hear both sides of the debate and important issues that can determine how a worker votes will be decided before ballots are cast.
- ✓ Ensures employers are able to participate in a fair union election process. The bill provides employers at least 14 days to prepare their case to present before a NLRB election officer and protects their right to raise additional concerns throughout the pre-election hearing.
- ✓ Reasserts the board's responsibility to address critical issues before a union is allowed to represent workers. The board must determine the appropriate group of employees to include in the union before the union is certified, as well as address any questions of voter eligibility.
- ✓ Reinstates the traditional standard for determining which employees will vote in the union election, restoring a standard that was developed through years of careful consideration and congressional guidance.