



INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW



BOB KING, President

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IN REPLY REFER TO

November 17, 2011

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Dear Representative:

The House of Representatives may vote soon on H.R. 3094, the misleadingly named Workforce Democracy and Fairness Act. If enacted, the bill would, in fact, unfairly disadvantage workers seeking a voice at work by giving their employers the tools to determine if and when a National Labor Relations Board (NLRB or Board) election would be held. The UAW strongly urges to vote against H.R. 3094.

The National Labor Relations Act (NLRA) became law in 1935. Its stated policy is “to encourage collective bargaining.” The NLRB and the courts have interpreted the NLRA for over 75 years, and have developed processes for handling representation cases when a group of workers seeks form a union. H.R. 3094 would set aside the agency’s expertise and decades of case law and replace them with new and untested processes that would cause uncertainty, delay elections, and *prevent* rather than encourage collective bargaining.

H.R. 3094 mandates a full, pre-election hearing over any issue that is raised by a party. This provision would incentivize employers to present frivolous or meaningless issues in order to achieve delay. During this period of delay, employers would have full access to workers with their anti-union message, while the union would continue to have no access to counter this message.

The bill also tosses out decades of judicially approved Board case law defining the appropriateness of bargaining units in varied industries and the “community of interest” of employees in different types of workplaces, replacing it with a cramped one-size-fits-all test. With due deference to Congress, we submit that these legal matters are best left to the agency that has established expertise in workplace matters.

In summary, H. R. 3094 has nothing to do with workforce democracy or with fairness. Rather, it is another attempt to prevent workers from engaging in collective bargaining by providing employers with more tools to delay Board-conducted elections. Voters in Ohio last week made very clear that the public overwhelmingly sees value in workers being represented by unions. H.R. 3094 is out of step with the beliefs of a majority of Americans. For these reasons, we urge you to vote no when the bill comes to the floor for a vote. Thank you for considering our views on this important matter.

Sincerely,

Barbara Somson
Legislative Director

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