



September 19, 2024

U.S. House of Representatives
Washington, DC 20515

Dear Representative:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 67 chapters representing more than 23,000 members, I write today in support of [H.J. Res. 203](#), Providing for Congressional Disapproval Under Chapter 8 of Title 5, United States Code, of the Rule Submitted by the National Labor Relations Board Relating to “[Representation-Case Procedures: Election Bars; Proof of Majority Support in Construction Industry Collective-Bargaining Relationships](#).” ABC opposes the NLRB’s final rule, which rescinds the [ABC-supported 2020 Election Protection final rule](#) and jeopardizes employees’ right of free choice in representational matters and disrupts the Board’s current representation processes.

Specifically, the NLRB final rule halts union representation or decertification elections if a union alleges the employer committed unfair labor practices until those charges are resolved. This impedes rather than protects employee free choice and allows unions to delay pending elections by simply filing an unfair labor practice charge. As a result, unions without substantial evidence of any actual coercion may postpone elections they expect to lose, denying employees the right to freely choose not to join a union.

Further, the rule eliminates the 45-day window that allows workers to demand a secret ballot election if the employer voluntarily recognizes the union based on signed authorization cards, stripping the rights of workers to determine their representation without coercion or harassment.

The rule also rescinds amendments that require unions in the construction industry to maintain proof of majority support if they want an exclusive collective bargaining relationship that is resistant to challenge. This provision removes a commonsense confirmation check that unions display actual evidence to represent the majority of employees.

In February 2023, ABC submitted [comments](#) in opposition to the NLRB proposed rule. ABC also signed on to the Coalition for a Democratic Workplace’s [comment letter](#) along with 12 other employer organizations. The CDW [argued](#) that the proposed rulemaking would “negatively affect the Board’s representation case jurisprudence, undermine the agency’s statutory goals and reputation, diminish employee free choice and upset the balance of countervailing interests.” Yet, consistent with NLRB Chair Lauren McFerran’s record, the NLRB disregarded stakeholder feedback and advanced a radical rulemaking that strips employees of their rights in the workplace.

ABC supports the resolution’s purpose of protecting worker freedoms. This resolution would not only prevent the rule from going into effect but would also prohibit a similar rule from being issued in the future.

ABC urges you to support H.J. Res. 203 to nullify the NLRB’s Representation-Case Procedures: Election Bars; Proof of Majority Support in Construction Industry Collective-Bargaining Relationship final rule.

Sincerely,

Kristen Swearingen
Vice President, Legislative & Political Affairs