



February 16, 2012

The Honorable Michael B. Enzi  
United States Senate  
Washington, D.C. 20510

Dear Senator Enzi:

On behalf of Associated Builders and Contractors (ABC), a national association with 74 chapters representing more than 22,000 merit shop construction and construction-related firms, I am writing to thank you for introducing S. J. Res. 36, which provides for congressional disapproval and nullification of the National Labor Relations Board's (NLRB) rule related to representation election procedures. ABC supports S. J. Res. 36 and urges Congress to immediately pass this much-needed resolution, which will nullify the ambush election proposal.

The ambush election rule is nothing more than the Board's attempt to promote the interests of organized labor by effectively denying employees access to critical information about the pros and cons of union representation. Stripping employers of free speech and the ability to educate their employees, the rule poses a threat to both employees and employers.

In August, ABC criticized the NLRB proposed ambush rule that could dramatically shorten the time frame for union organizing elections from the current average of 38 days to as few as 10 days between when a petition is filed and the election occurs. ABC submitted comments to the NLRB stating the proposed rule would significantly impede the ability of construction industry employers to protect their rights in the pre-election hearing process; hinder construction employers ability to share facts and information regarding union representation with their employees; and impose numerous burdens without any reasoned justification on small merit shop businesses and their employees, which constitute the majority of the construction industry. In the largest response on record, the NLRB received more than 70,000 comments regarding the proposal, many of which strongly opposed the changes.

The Board published a final rule on December 22, 2011, with an April 30, 2012 effective date. While it somewhat modified the original proposal, disposing of the rigid seven- and two-day requirements, the final rule is identical in purpose and similar in effect to the August proposal.

At this time of economic challenges, it is unfortunate that the NLRB continues to move forward with policies that threaten to paralyze the construction industry and stifle job growth. If left unchecked, the actions of the NLRB will fuel economic uncertainty and have serious negative ramifications for millions of American workers. We applaud you for introducing S. J. Res. 36 and urge Congress to immediately pass this much-needed resolution.

Sincerely,

Geoffrey G. Burr  
Vice President, Federal Affairs