



November 28, 2011

United States House of Representatives  
Washington, DC 20510

Dear Representative:

On behalf of Associated Builders and Contractors (ABC), a national association with 75 chapters representing 23,000 merit shop construction and construction-related firms with nearly two million employees, I am writing to express our strong support for the Workforce Democracy and Fairness Act (H.R. 3094) and urge you to vote **YES** when it comes to the House floor for a vote this week. **ABC will consider this vote as a KEY VOTE for our 112<sup>th</sup> Congressional Scorecard.**

The Workforce Democracy and Fairness Act would block the National Labor Relations Board (NLRB) from moving forward with its ambush elections proposal and reverse the Board's recent decision in Specialty Healthcare.

For more than a year, the NLRB's agenda has fostered an environment of economic uncertainty and threatened to harm the construction industry. The NLRB's decisions, proposed rules, invitations for briefs and enforcement policies demonstrate that the agency has abandoned its role as a neutral enforcer and arbiter of labor law in order to promote the special interests of politically powerful unions. These actions will have negative implications for workers, consumers, businesses and the economy, including:

- **Ambush Elections**

In August, ABC criticized a NLRB proposed 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.

- **Specialty Healthcare and Rehabilitation Center of Mobile and United Steelworkers**

In an August 30 decision, the Board ruled that a union could seek to organize a group of nursing assistants, despite requests by the employer to include other employees in the unit. The decision effectively creates a new standard for bargaining unit determinations for all industries. This reverses a standard that has been in place for decades without controversy. The new standard places a heavy burden of proof on the employer to show that the excluded employees should be included.

In a blatant and unprecedented attempt to finalize their biased ambush rule before Member Craig Becker's term expires at the end of the year, the NLRB's majority members have taken alarming steps to expedite the process. The two-member majority recently made the decision to hold the vote on the proposed rule on November 30<sup>th</sup> – the same day this bill is expected to come to the House floor for a vote.

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. It is imperative that Congress act now in order to return much-needed balance to our workplace laws. We urge the immediate passage of the Workforce Democracy and Fairness Act (H.R. 3094), and will consider the vote on H.R.3094 as a **KEY VOTE** for our 112<sup>th</sup> Congressional Scorecard.

Sincerely,

A handwritten signature in black ink, appearing to read "G. G. Burr". The signature is written in a cursive, slightly stylized font.

Geoffrey G. Burr  
Vice President, Federal Affairs