

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS



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LEGISLATIVE ALERT!

(202) 637-5057



April 11, 2012

Dear Senator:

On behalf of the AFL-CIO, I urge you to vote against S.J.RES 36, a Resolution aimed at blocking a rule to update and modernize the procedures used by the National Labor Relations Board (NLRB) to supervise elections for workers who want to vote on whether to form a union.

Workers who want to vote on whether to form a union deserve the right to vote without lengthy, drawn-out litigation and endless, unnecessary delays. Yet under current rules workers can be forced to wait months and even years before they are able to exercise their right to vote and then bargain for an enforceable contract with good wages and benefits. The NLRB's new rule eliminates many of the barriers workers now face by reducing current delays, eliminating frivolous and duplicative litigation, and ensuring that workers have a fair vote in a reasonable period of time.

The NLRB's final election rule ensures uniformity, consistency, and fairness. It is an important step towards fixing a severely broken system. The new NLRB rule implements modest, commonsense solutions to address the fundamentally flawed and time-consuming procedures of the current system. It is aimed at avoiding litigation over frivolous issues, eliminating needlessly duplicative appeal procedures, and minimizing current opportunities to manipulate the process and stall the election. Workers should not be subjected to interminable delays for their rights to be honored.

The new rule does not encourage or discourage unionization. It does not establish any timelines or deadlines for conducting NLRB-supervised elections or mandate that elections be conducted in any specific number of days; as under the current procedures, the timing of elections will vary from case to case. The new rule does not in any way change an employer's ability to communicate with workers during the election period or conduct mandatory meetings with workers. It applies equally to elections to form a union and to decertify an existing union.

The National Labor Relations Act and Supreme Court precedent grant the Board specific, explicit authority to engage in rule-making for the purpose of establishing rules governing representation case proceedings, like those contained in the new election rule. The NLRB's rule-making process that led to the adoption of this rule was comprehensive, thorough, inclusive, and transparent. Thousands of comments were received and considered and the NLRB held a public hearing for additional input. The new rule was approved in full compliance with the Administrative Procedures Act and other applicable statutes. It does not overturn any Board precedent; it does not reverse any prior Board decisions.

The new NLRB rule makes modest, sensible changes to bring balance to the election process. A vote against the Resolution will ensure that the rights of working people to achieve economic security are protected.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Samuel', written in a cursive style.

William Samuel, Director
Government Affairs Department