February 12, 2015

United States Senate
Washington, DC 20510

RE: Support for S.J. Res. 8, Congressional Review Act Disapproval of National Labor Relations Board’s Ambush Election Rules

Dear Senators:

I write on behalf of HR Policy Association, which represents the chief human resource officers of the largest companies doing business in the United States, to express our members’ strong support for S.J. Res. 8. The measure would restore the integrity of National Labor Relations Board (NLRB) union representation elections by disapproving and nullifying the recent NLRB rule regarding election procedures. In disapproving the new rules, the bill would ensure that employees have an adequate opportunity to hear all sides regarding a possible union representation prior to an election.

On December 12, 2014, the Board issued its Final Rule on Representation-Case Procedures, which will become effective April 14, 2015. This rule is intended to expedite the existing union election process, as well as limit employer participation in union elections. The Final Rule is in many ways a solution in search of a problem. Insofar as the Board has sought to hold 90 percent of all elections within 56 days of the filing of the petition, it has consistently done better than that standard. In 2013, 94.3 percent of elections were held within that period. Yet the new rules will substantially shorten the election period to as few as 10 days. Elections held in such a brief period would deprive employees of the opportunity to make an informed decision – based on the views of both union representatives and employers – as to whether union representation is appropriate for their workplace. Such a decision is not one to be taken lightly, as the decision is effectively permanent and binds not only the employees making the decision, but also subsequent hires.

Furthermore, the ambush election rules, coupled with the Board’s Specialty Healthcare decision, which allows unions to target “micro-units” for elections, means multiple unions may gain representation at a company within a very short period of time. Such a situation would dramatically change the landscape of the company’s workforce. Since the successful operation of a business often depends on the ability to maintain uniform human resource policies that provide wage scales, benefits, scheduling, promotions and so forth to a broad range of employees within the workplace, forcing employers to bargain with multiple unions representing small groups of employees will negatively affect employers at a time when employers are struggling to both survive in the domestic economy and compete globally.
The membership of HR Policy Association supports the ability of employees to make an informed decision whether to be represented by a union. Accordingly, the Association encourages you to vote in favor of S.J. Res. 8.

Sincerely,

[Signature]

Daniel V. Yager
President and General Counsel