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AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Quality People. Quality Projects.



November 29, 2011

The Honorable John Kline
U.S. House of Representatives
Washington, DC 20515

Re: Support H.R. 3094, the Workforce Democracy and Fairness Act

Dear Representative Kline:

On behalf of the Associated General Contractors of America (AGC), I am writing to urge you to support H.R. 3094, the Workforce Democracy and Fairness Act, and look forward to Congress passing this much-needed legislation. The bill directly addresses recent actions of the National Labor Relations Board (NLRB or Board) by blocking the Board from moving forward with its “quickie election” proposal as well as reversing the Board’s recent decision on “micro unions.”

The NLRB’s proposed rule to revise representation-case procedures, also known as the “quickie elections” or “ambush elections” rule, would be particularly difficult to apply in the construction industry due to a number of unique industry aspects, including the complexity of defining an appropriate bargaining unit and determining voter eligibility as well as the decentralized nature of the workplace. In particular, the Board’s proposed mandates governing: hearings within seven days of service of notice; the deferral of certain eligibility issues to a post-election procedure; the furnishing of an Excelsior list within two days of the Regional Director’s decision following hearing or of his/her approval of an election agreement; and, the filings of pre-hearing statement of position would be particularly impracticable in the construction industry. H.R. 3094 would also reverse the Board’s recent *Specialty Healthcare* decision, which abandoned longstanding reliance on a “community of interest” standard for assessing the appropriateness of a petitioned-for bargaining unit and paved the way for the formation of “micro unions.”

Although organizing in the construction industry differs from that in other industries, the actions by the Board would apply to construction along with other industries and this could destabilize labor relations in the construction industry by overturning 50 years of U.S. labor law.

AGC urges you to support H.R. 3094 and retain the union election procedures that have stood in place for decades.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey D. Shoaf', is written over a light blue horizontal line.

Jeffrey D. Shoaf
Senior Executive Director
Government Affairs