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June 28, 2017

The Honorable Virginia Foxx
U.S. House of Representatives
Washington, DC 20515

Dear Chairwoman Foxx:

On behalf of the Associated General Contractors of America (AGC), I am writing in support of H.R. 2776, the Workforce Democracy and Fairness Act and H.R. 2775, the Employee Privacy Protection Act. H.R. 2776 would reverse the National Labor Relations Board (NLRB) rule on representation-case procedures, also known as the “quickie election” or “ambush election” rule. H.R. 2775 protects personal privacy by giving employees control over confidential information that can be shared with union organizers during a representation election.

H.R. 2776 restores employers’ due process by extending the length of time before union representation elections can occur. Accelerated election timelines effectively limits workers’ access to information and provides an inadequate opportunity for workers to consider information from both their employer and the union before a vote takes place. The complexity of identifying the appropriate bargaining unit and determining voter eligibility is exacerbated by shortened timelines, particularly in the construction industry due to the decentralized nature of workplaces operated by the same employer. The abbreviated time between petition and election can enable a union to more readily convert their temporary 8(f) relationship to a permanent 9(a) relationship in order to restrain a union contractor’s flexibility or restrain a rival union from taking over its jurisdiction. In addition, a rival union might use the election process to take jurisdiction from a union with an 8(f) relationship.

H.R. 2775 protects employees’ privacy and avoids business disruptions. Employers oppose being forced to disclose personal contact information because it is irresponsible, dangerous, and unfair to their employees, particularly for those who have deliberately chosen to keep such information from being shared. Additionally, providing work phone numbers and emails would almost guarantee solicitation and distraction during working time.

The NLRB deviated from decades of established labor practices over the last several years. H.R. 2776 and H.R. 2775 would restore prior precedents and avoid unintended consequence of further destabilizing an industry that is already facing a skilled worker shortage.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Shoaf".

Jeffrey D. Shoaf
Senior Executive Director, Government Affairs