

November 28, 2011

The Honorable John A. Boehner
Speaker
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Boehner:

On behalf of the National Retail Federation (NRF), I am writing to urge your support for the Workforce Democracy and Fairness Act (H.R. 3094). NRF strongly supports this bill to prevent two recent National Labor Relations Board (NLRB) decisions from moving forward and restore a careful balance in the process governing union organizing. NRF will consider this to be a key vote.

As the world's largest retail trade association and the voice of retail worldwide, NRF's global membership includes retailers of all sizes, formats and channels of distribution as well as chain restaurants and industry partners from the United States and more than 45 countries abroad. In the U.S., NRF represents an industry that includes more than 3.6 million establishments and which directly and indirectly accounts for 42 million jobs – one in four U.S. jobs. The total U.S. GDP impact of retail is \$2.5 trillion annually, and retail is a daily barometer of the health of the nation's economy.

H.R. 3094 would stop the NLRB from proceeding with implementation of two measures; a rule to facilitate ambush elections and a decision to clear the way for controversial micro-unions within a workforce. In June 2011, the Board issued a proposed rule that would dramatically accelerate the time frame for union representation elections from a current average of 37 days to possibly as little as 10 days with businesses given only 7 days to prepare. This rule would also increase union access to employees' personal information and restrict communication by employers to employees. Taken as a whole, these changes are extreme and would have the effect of severely limiting worker access to information needed to make an informed decision about union representation.

More recently, in August 2011, the Board issued a decision on *Specialty Healthcare* to radically change the standard for an appropriate bargaining unit of employees. This decision, which overturns a half century of case law, impacts all employers; and it will allow unions to "cherry pick" a select group of employees to ensure a union election victory. *Specialty Healthcare*, if implemented within a retail workplace, would also negatively impact employer/employee relations by fostering more conflict and uncertainty because of multiple unions representing different groups of employees.

H.R. 3094 would provide for a fair hearing process to take place and require a campaign phase that would be sufficient to ensure that employee and employer rights are protected. The legislation would preserve balance in the organizing process by ensuring that employees will have access to information from both the union and the employer as they seek to determine whether or not they want to be represented by a union. The bill would also prevent the gerrymandering of bargaining units by reinstating long-standing criteria that the NLRB has used for determining the size of the bargaining unit.

NRF fully supports H.R. 3094. We look forward to working with the House of Representatives to move this bill forward.

Sincerely,



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