Statement
of the
Independent Electrical Contractors
Before the
Subcommittee on Health, Employment, Labor, and Pensions
United States House of Representatives

Hearing on
“Legislative Reforms to the National Labor Relations Act: H.R. 2776, Workforce Democracy and Fairness Act; H.R. 2775, Employee Privacy Protection Act; and, H.R. 2723, Employee Rights Act.”

Washington, DC

June 14, 2017
Chairman Walberg, Ranking Member Sablan and Members of the Subcommittee:

On behalf of the Independent Electrical Contractors (IEC), I want to thank you for holding a hearing on H.R. 2776, Workforce Democracy and Fairness Act; H.R. 2775, Employee Privacy Protection Act; and, H.R. 2723, Employee Rights Act. IEC voices its strong support for all three bills, which would bring common sense reforms and much needed worker protection into the union election process.

On December 12, 2014, the National Labor Relations Board (NLRB) finalized its ‘ambush’ election rule, which drastically changed the process for union representation elections. The rule shortened the time between the union filing a petition for election and the NLRB holding of that election from the previous median time of 38 days to as few as 14 days, effectively limiting employers’ ability to communicate with employees prior to a representation election and severely limiting worker access to the information needed to make an informed decision about whether to vote for union representation. The rule also had a tremendous impact on employee privacy by requiring employers to provide, within two business days of the election agreement or decision directing an election, employees’ personal telephone numbers and e-mail addresses without providing employees an opportunity to determine which contact information would be handed over. This breach of privacy would potentially expose employees to harassment and intimidation.

The bills being discussed during this hearing, if enacted, would reverse the harmful policy changes instituted by the ‘ambush’ rule. The Workforce Democracy and Fairness Act would help guarantee workers have time to gather all the facts to make a fully-informed decision in a union election and ensure employers are able to participate in a fair union election process. It would accomplish this by mandating that no union election will be held in less than 35 days while also giving employers at least 14 days to prepare their case before a NLRB election officer. In addition, the legislation would require the NLRB to determine the appropriate group of employees to include in the union before the union is certified, as well as address any questions of voter eligibility.

The Employee Privacy Protection Act is an important piece of legislation that would empower workers to control the disclosure of their personal information during the union election process. This bill would require employers to provide a list of employee names within seven days and employees would get to choose one additional piece of contact information to be submitted.

Finally, the Employee Rights Act would go a step further by, among other things, requiring a secret ballot election to determine whether or not employees want to be represented by a union and require elections be held in certified and recognized unions that have experienced turnover or expansion in excess of 50 percent. These changes would guarantee workers the ability to make their decisions about a union in private and provide the opportunity for workers to revisit union representation upon a reasonable amount of turnover or growth within a given unit.

IEC applauds the Subcommittee for holding this hearing on these important pieces of legislation and look forward to working with Congress on these proposals that provide critical worker protections to the union representation process.

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