



July 30, 2013

United States Senate  
Washington, D.C. 20510

Dear Senator:

On behalf of Associated Builders and Contractors (ABC), a national trade association with 72 chapters representing nearly 22,000 members from more than 19,000 construction and industry-related firms, I am writing to express strong opposition to the re-nomination of Chairman Mark Pearce, and the nominations of Nancy Schiffer and Kent Hirozawa to serve on the National Labor Relations Board (NLRB). **ABC will treat votes to confirm these pending nominees as “KEY VOTES” for our 113<sup>th</sup> Congressional Scorecard.**

The NLRB interprets and enforces the laws governing labor relations for most of the private sector. Naturally, the Board’s administrative decisions and rulemaking activities have far-reaching and significant implications for the construction industry and the economy as a whole.

Unfortunately, under the leadership of Chairman Pearce, the NLRB has abandoned its role as neutral arbiter of federal labor law and has instead pursued a radical agenda heavily favoring unions at the expense of employers and employees alike. Pearce has presided over some of the most aggressive and egregious policy changes the Board has ever attempted, including highly controversial regulatory proposals, broad expansions of the Board’s enforcement authority and numerous precedent-reversing legal decisions impacting workplaces across the country. To make matters worse, Chairman Pearce has overseen these changes for more than a year-and-a-half with an unlawfully appointed quorum—an alarming abuse of power that is currently under review by the U.S. Supreme Court. For these reasons, ABC emphatically opposes Mr. Pearce’s reappointment to the Board.

Given our concerns surrounding the current NLRB chairman’s continued tenure, ABC also opposes Mr. Hirozawa’s confirmation. Serving as Chairman Pearce’s chief counsel for more than three years, Hirozawa played a direct role in crafting a rulemaking to silence employers during the union election process through rushed and unjust “ambush” style elections. In addition, as Pearce’s top attorney, Hirozawa helped to devise and defend a regulation designed to supply employees with biased information about their workplace rights under federal labor law. If allowed to ascend to Board member, Mr. Hirozawa would no doubt aim to complete the work he started as the chairman’s right hand.

The nomination and possible confirmation of Ms. Schiffer, a former associate general counsel to the American Federation of Labor & Congress of Industrial Organizations (AFL-CIO), is also of utmost concern to ABC. Her previous statements and longtime affiliations make clear her strong support for the Employee Free Choice Act (EFCA), a deceptively named piece of legislation vigorously opposed by ABC and many others in the business community for years. Although Ms. Schiffer remarked recently before the Senate Health, Education, Labor and Pensions (HELP) Committee that the implementation of explicit provisions of EFCA would “require congressional action,” her past

remarks and actions also indicate that she will nevertheless look for ways to implement some of the overall goals of EFCA—including curbing the rights of employers and neutralizing their voices during organizing campaigns—through Board decisions or regulations. In addition, Ms. Schiffer has expressed a disdain for congressional oversight of the NLRB, and can be expected to resist attempts by the House and Senate to hold the Board accountable for its actions.

While ABC continues to support the nomination and confirmation of individuals to the NLRB who have demonstrated a commitment to the Board’s original mission of balanced decision-making, we have no confidence that the three individuals now before the Senate will impartially adjudicate labor-relations disputes and fairly interpret and enforce the National Labor Relations Act.

Again, we believe Chairman Pearce, Mr. Hirozawa and Ms. Schiffer should not sit on the NLRB, and strongly oppose their confirmation to the Board. **ABC will score votes to confirm these pending nominees as “KEY VOTES” for the 113<sup>th</sup> Congress.**

Sincerely,

A handwritten signature in black ink, appearing to read "G. G. Burr", with a long horizontal flourish extending to the right.

Geoffrey G. Burr  
Vice President, Federal Affairs