



March 3, 2015

The Honorable Phil Roe  
Chairman, Subcommittee on Health, Labor,  
Education and Pensions  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Jared Polis  
Ranking Member, Subcommittee on Health, Labor,  
Education and Pensions  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Roe and Ranking Member Polis:

On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association with 70 chapters representing nearly 21,000 chapter members, I am writing in regard to your hearing, "H.J. Res. 29, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures." ABC supports H.J. Res 29 which would nullify the National Labor Relations Board's (NLRB) rule related to representation election procedures.

The ambush election rule is the NLRB's attempt to support Big Labor's agenda by effectively denying employees' access to critical information about the pros and cons of union representation. In addition, the proposal tramples on employee privacy rights and robs employers of their free speech and due process rights.

The final ambush election rule, published on December 12, 2014 with an April 14, 2015 effective date, will dramatically shorten the time frame for union organizing elections from the current median time of 38 days to as few as 14 days between when a union files a petition and the election occurs. ABC submitted comments in April 2014, stating the proposed rule will significantly impede the ability of construction industry employers to protect their rights in the pre-election hearing process; hinder the ability of construction employers to make facts and information regarding union representation available to employees; and impose numerous burdens on the small merit shop businesses and their employees that constitute the overwhelming majority of the construction industry without any reasoned justification for imposing such burdens.

The majority of ABC member companies are small businesses, which typically do not employ legal counsel or a human resources representative. Under the rule, employers are required to disclose voter eligibility lists to petitioning unions within two days after the direction of election. This creates a heavy burden on construction employers who are bound by unique voter eligibility requirements that allow laid off employees meeting criteria specified by the Board to vote in NLRB elections. In addition, the rule defers the question of which employees are considered to be in supervisory positions until after the election; this will result in greater uncertainty regarding the treatment of construction foreman by both sides during the election campaign, leading to the greater possibility of unfair labor practices or objectionable conduct.

We applaud the committee's attention to this important issue and urge immediate passage of H. J. Res. 29.

Sincerely,

Geoffrey Burr  
Vice President, Government Affairs