



June 28, 2017

The Honorable Virginia Foxx, Chair
The Honorable Robert C. Scott, Ranking Member
House Committee on Education and the Workforce
2176 Rayburn House Office Building
Washington, D.C. 20510

Dear Chair Foxx and Ranking Member Scott,

On behalf of the 23 national unions in the Department for Professional Employees, AFL-CIO (DPE), I strongly urge you to oppose three anti-union bills that are coming before the Committee on Education and the Workforce this week. The Tribal Labor Sovereignty Act (H.R. 986), the Employee Privacy Protection Act (H.R. 2775), and the Workforce Democracy and Fairness Act (H.R. 2776) undermine the rights of professionals to come together in union and negotiate with employers over the terms and conditions of their employment. Over 6 million doctors, engineers, nurses, performers, professors, scientists, and other professionals have made the decision that collective bargaining is in their interest. The three bills described herein seek to legislate in areas where problems do not exist and attempt to weaken the ability of highly skilled professionals to make an objective determination that will address professional concerns and serve the best interests of their employers.

Tribal Labor Sovereignty Act (H.R. 986)

DPE supports the principle of sovereignty for tribal governments, but the Tribal Labor Sovereignty Act misconstrues this principle for the purpose of allowing low-road tribal employers the ability to use it as an excuse for denying employees their rights to engage in collective bargaining. The bill does so by stripping away the rights and protections provided by the National Labor Relations Act (NLRA) from a substantial number of people employed by tribal-owned-and-operated enterprises located on Indian land. To be clear, affected employees work for tribal employers that operate as ordinary businesses engaged in non-cultural commerce. The Tribal Labor Sovereignty Act would also take away the National Labor Relations Board's (NLRB) ability to balance carefully, on a case-by-case basis, tribal sovereignty with employees' rights to engage in collective bargaining in instances where the two interests may conflict. The NLRB has a track record of exercising care and discretion in balancing these interests.

Employee Privacy Protection Act (H.R. 2775)

The Employee Privacy Protection Act would create an even more one-sided union election process that favors employers by inhibiting the ability of union supporters to talk with employees prior to the actual union representation election. Currently, employers must provide employee contact information, including available telephone numbers and e-mail addresses, within two business days. The Employee Privacy Protection Act would allow employers to

provide only one type of employee contact information and withhold it from the union until seven days after the NLRB rules on the appropriate bargaining unit. The bill therefore does not actually protect the privacy of employees, but rather adds another advantage for employers in union representation elections by limiting the contact information employers must provide unions and delaying when that contact information must be shared.

Workforce Democracy and Fairness Act (H.R. 2776)

The Workforce Democracy and Fairness Act would impose additional regulations that will unduly complicate and delay the union election process, thereby making it harder for employees to exercise their rights under the NLRA. The NLRB's April 2015 election rules streamlined the union election process by requiring in most cases a hearing on an election petition within eight days. This bill would require the NLRB to wait at least two weeks before holding a pre-election hearing. The Workforce Democracy and Fairness Act would also mandate that no election could be held sooner than 35 days after the filing of an election petition.

The bill also overturns the standards established for determining appropriate bargaining units in the NLRB's 2011 *Specialty Healthcare* decision. The proposed standard contained in the Workforce Democracy and Fairness Act would encourage litigation and incentivize employer delay of union elections. By inviting delay, this bill undermines the rights of employees and creates needless inefficiencies that cost taxpayer money.

The Committee on Education and the Workforce should be making it easier for professionals to come together to negotiate terms and conditions of employment that fit their unique circumstances. The three bills under consideration by the committee this week do just the opposite, and for that reason DPE asks you to oppose them at Thursday's markup.

With thanks for your time and consideration –

Sincerely,



Paul E. Almeida
President