



November 29, 2011

Dear Representative:

On behalf of the nation's foodservice distributors, I am writing to urge your strong support for HR 3094, the Workforce Democracy and Fairness Act when it comes to the floor of the House. This legislation would stop efforts by the National Labor Relations Board (NLRB) to deny employees the opportunity to make an informed decision on the critical issue of whether they should join a union.

HR 3094 would stop the Obama Administration from using the regulatory process to enact portions of the Employee Free Choice Act which the Congress has repeatedly refused to pass. Specifically the bill would stop the NLRB from enacting a regulation to force "ambush elections" and overturn the *Specialty Healthcare* case recently decided by the Board.

The ambush election regulation would dramatically shrink the time employers have to speak to their employees regarding unionization to as short as 10 days. It would allow union organizers the opportunity to speak with employees for an unlimited time period while preventing them from hearing from their employer. This compressed time frame would make it nearly impossible for employees to get the information they need to make a real decision.

The *Specialty Healthcare* case overturns decades of precedent regarding bargaining unit size and would allow "micro-unions" consisting of only a few employees. Distributors would now face the possibility of multiple unions at their facilities with potentially different wages, benefits and work rules. This would dramatically weaken their ability to position employees where they can be most effective and productive and weaken their earning power by preventing promotions or transfers.

With foodservice distributors and all of American business continuing to struggle to expand in a difficult economic environment, now is not the time for bureaucrats to enact additional requirements. Congress must pass HR 3094 to help businesses begin to grow again in order to create new jobs and put more Americans back to work. IFDA will include this vote in our vote rankings at the end of the Congress which determine the recipients of our Thomas Jefferson Awards.

With best wishes,

A handwritten signature in black ink, appearing to read "Jonathan B. Eisen". The signature is fluid and cursive, written over a white background.

Jonathan B. Eisen
Senior Vice President, Government Relations