



National Roofing Contractors Association
Washington, D.C. Office
324 Fourth Street, N.E.
Washington, D.C. 20002
202/546-7584
Fax: 202/546-9289
<http://www.nrca.net>

October 25, 2011

The Honorable John Kline
Chairman
House Committee on Education and the Workforce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman,

The National Roofing Contractors Association (NRCA) strongly supports the Workforce Democracy and Fairness Act of 2011 (H.R. 3094). NRCA commends you for your leadership in sponsoring this legislation and urges its prompt approval by the Committee on Education and the Workforce.

Established in 1886, NRCA is one of the nation's oldest trade associations and the voice of professional roofing contractors worldwide. NRCA has approximately 4,000 contractors in all 50 states who are typically small, privately held companies, with the average member employing 45 people and attaining sales of about \$4.5 million per year. NRCA represents both union and non-union contractors and supports policies that maintain an equitable balance in labor-management relations.

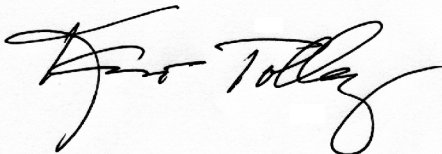
In June, the National Labor Relations Board (NLRB) proposed new regulations that will dramatically change long-standing procedures governing union elections. These changes would greatly accelerate the time frame for union elections and thus severely limit the opportunity for employers to have an informed discussion about the pros and cons of collective bargaining with workers. Specifically, the NLRB regulation would provide employers with only seven days to find legal counsel and prepare their entire case for the NLRB pre-election hearing. The rule would also result in workers having as few as 10 days to consider all the consequences of joining a union before they must vote in an election. Finally, the regulation requires employers to provide the union with intrusive information about employees, such as home and cell phone numbers.

Additionally, in August the NLRB adopted a new standard for determining which group or “unit” of employees can choose to form a union. This decision dramatically changes the current unit determination standards for collective bargaining and would overturn decades of settled case law. The new standard will make it virtually impossible for anyone to challenge the bargaining unit chosen by the union and will likely result in efforts to create “micro-unions” that will divide employees and raise an employer’s labor costs. Major changes to unit determination standards in collective bargaining should be considered through the standard rulemaking process with opportunity for public comment and hearings, as has been conducted in the past on issues of this nature.

Given these NLRB actions, H.R. 3094 is critically necessary to ensure a balanced approach to union organizing elections. The bill would ensure that employers are able to participate in a fair election process by providing at least 14 days to prepare their case to the NLRB and an opportunity to raise additional concerns throughout the election hearing. The bill also guarantees workers the ability to make a fully informed decision in a union election by ensuring no election is held in less than 35 days. This gives the worker a chance to hear both sides of the issues involved before making a decision. The bill also reinstates the traditional standard for determining which employees will vote in the union election, which has been in place for decades. Finally, the bill protects worker privacy by allowing them to choose the type of personal contact information that is provided to the union.

NRCA supports H.R. 3094 in order to restore a balanced approach to the collective bargaining process that is being upset by recent NLRB actions. NRCA urges approval of this important legislation by the Committee and the full House of Representatives. If you have questions or need more information, please contact Duane Musser, NRCA’s vice president of government relations, at 202-546-7584 or dmusser@nrca.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Tolley". The signature is fluid and cursive, written over a light gray rectangular background.

Kent Tolley, Quality Tile Roofing, Boise, ID
President, NRCA

cc: Committee on Education and the Workforce Members