

**Congress of the United States**  
**Washington, DC 20515**

August 3, 2011

Lester Heltzer  
Executive Secretary  
National Labor Relations Board  
1099 14<sup>th</sup> St. NW  
Washington, DC 20570

Mr. Heltzer:

We write to express our concern with the National Labor Relations Board's (NLRB) Notice of Proposed Rulemaking (NPRM) for *Proposed Rules Governing Notification of Employee Rights Under the National Labor Relations Act*. The NLRB's proposed regulation would require employers with all private sector employees to post a notice which informs their employees of their rights under the National Labor Relations Act, specifically their right to unionize. The proposed rule dictates the size, form and content of the notice as well as provisions to punish employers who fail to comply with these over-reaching regulations.

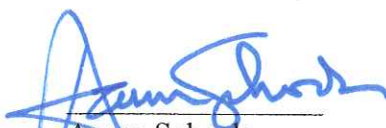
In the NPRM, the NLRB did not cite actual proof of businesses denying or withholding information about employee rights. Instead, the NPRM says there are several reasons for a "knowledge gap" of employee rights in the workplace. Unfortunately, the rationales listed in the NPRM are questionable at best. For example, citing the number of private sector employees who are not represented by a union does not mean these employees are uninformed about their right to unionize. Private sector employees base their decision on whether or not to join a union on several factors. Choosing not to join a union does not automatically make an employee uninformed.

We also believe the NLRB lacks the statutory authority to implement the proposed regulations. The NLRB cites Section 6 of the National Labor Relations Act (NLRA) as its authority for issuing the proposed rule. However, as NLRB Member Brian Hayes stated in his dissenting view, "*I do not believe that the language of Section 6 of the Act is sufficient statutory authority for imposing such a notice... To the contrary, Section 10 of the Act indicates to me that the Board clearly lacks the authority to order affirmative notice-posting action in the absence of an unfair labor practice charge filed by an outside party.*" The lack of clear statutory authority indicates to us that this is an issue which would best be addressed by Congress.

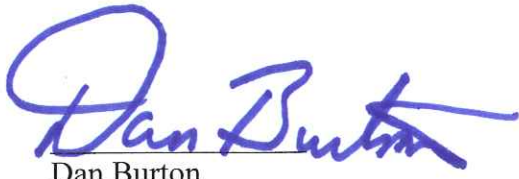
If implemented, the proposed rules will affect millions of private sector employers who are not under the suspicion of denying an employee access to his or her rights under law, and therefore commit an unfair labor practice. Using the NLRB's own statistics, less than 1% of private sector employers had unfair labor charges filed against them. The NLRB should utilize its resources to work with those employers who have committed an unfair labor practice instead of working to punish the other 99% of private sector employers who have done nothing wrong.

At a time when our nation's unemployment rate persistently remains close to 10%, the NLRB's proposed regulations would disproportionately affect small businesses that are the backbone of our economy. We urge you to withdraw the proposed regulations.

Sincerely,

  
Aaron Schock  
Member of Congress

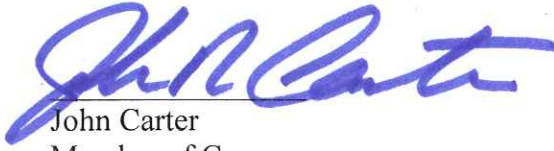
  
Rodney Alexander  
Member of Congress



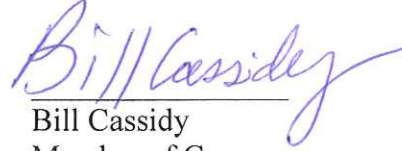
Dan Burton  
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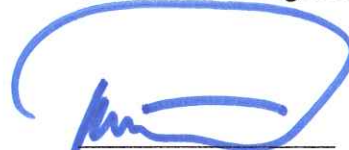
John Carter  
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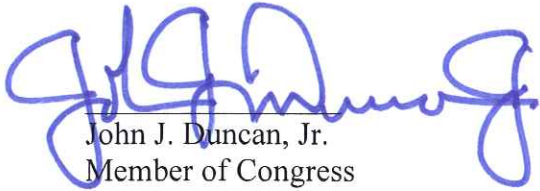
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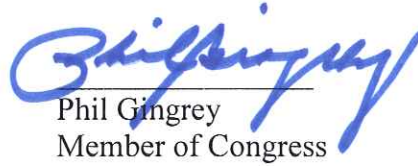
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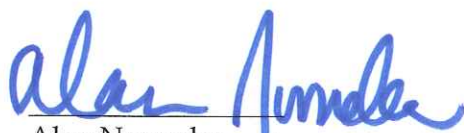



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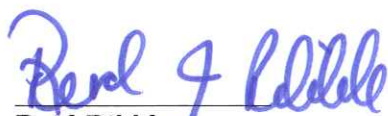


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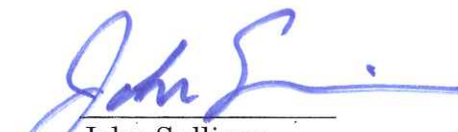
  
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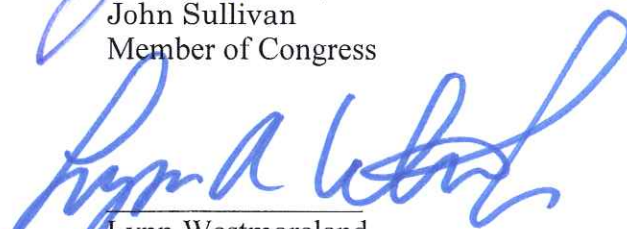
  
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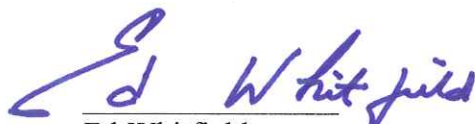
  
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Dennis A. Ross  
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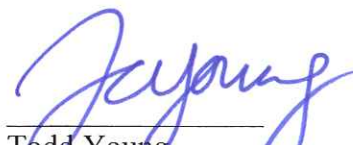
  
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