



**House Committee on Small Business**  
**“Adding to Uncertainty: The Impact of DOL/NLRB Decisions and Proposed Rules on Small Businesses”**  
**Sam Graves**  
**Chairman**  
**October, 5 2011**

I thank the witness for agreeing to appear today.

The purpose of today’s hearing is to examine proposed rules and case decisions by the National Labor Relations Board and the Department of Labor related to employer and employee rights in union organizing drives.

This committee has kept a particular focus on federal regulations and policies that are adding to the array of uncertainties confronting small businesses, particularly when those uncertainties add to our nation’s stubbornly high unemployment rate.

Republicans and Democrats agree on the principal that businesses need certainty if they are to grow their businesses and add jobs. President Obama has widely touted an Executive Order directing government agencies to identify and cut red tape.

He has also ordered agencies to do more than the bare minimum required to ensure that stakeholders have an opportunity to communicate their views on agency regulatory actions.

If this is the intent of the President’s Executive Order, it hasn’t been put into practice.

Rather, the NLRB and DOL have proposed the imposition of new regulations despite the lack of any demonstrated need for changes to existing law and practice.

The current NLRB board has been particularly activist in its agenda.

There is the infamous NLRB decision to prohibit Boeing from opening a plant in the state of South Carolina. While this decision does not directly impact small businesses, many of those in the small business community are claiming such decisions are indicative of the NLRB’s overall bias against employers and the level of favoritism it has granted to unions.

Today’s hearing will focus on four examples of this Administration’s union favoritism: the NLRB’s decisions in Lamons (LAYMONS) Gasket Company and Specialty Hospital of Mobile, NLRB’s proposed changes to the union election process, and a proposed rule from the Department of Labor regarding the advice exemption to the Labor-Management Reporting and Disclosure Act.

I would also be remiss if I didn’t mention the NLRB’s final rule requiring employers to post notices in their businesses informing employees of their right to unionize. I understand this has been particularly irksome to small businesses who object to what they view is a unwarranted federal intrusion into their business, as well as their objection to the biased nature of the notices themselves.

I now yield to Ranking Member Velazquez for her opening statement.