



Communications Workers of America
Chris Shelton | *President*

Legislative Department
Shane Larson | *Director*

June 28, 2017

The Honorable Robert C. Scott
Ranking Member
Committee on Education and the Workforce
U.S. House of Representatives
2102 Rayburn House Office Building
Washington, D.C. 20515

Dear Ranking Member Scott:

On behalf of the 700,000 members and officers of the Communications Workers of America (CWA), I am writing to strongly urge you to oppose H.R. 2775, H.R. 2776 and H.R. .986 when those bills come before the Education and Workforce Committee this week. The joint pairing of these bills in consideration before the committee makes clear the overall program—to attack workers and eliminate workers’ right to organize and bargain collectively.

While each of these bills addresses different areas of National Labor Relations Act (NLRA) policy, the underlying theme is consistent. By cutting off worker access to important information about union elections, gerrymandering voting groups, creating unnecessary delays in elections, and exempting a large group of workers from access to any legal protections for the right to collective action on the job altogether, these bills all rollback workers' ability to organize and bargain for a better deal at work. Regardless of what the bills’ advocates say, the ultimate goal is clearly to undermine the rights of workers and further a political program of destroying unions.

H.R. 2775 would cut off workers’ access to key information ahead of representational elections. It would severely limit the contact information for workers that an employer could or would provide to union organizers ahead of a representational election. Moreover, the wording of the bill would provide no cutoff for how late an employer could provide the information, meaning that the employer might provide it as late as the night before the election. These limits and delays would make it extremely difficult for union organizers to answer workers’ questions and provide information before a vote.

H.R. 2776 would require extensive delays before workers could hold a representational election, apparently for no reason other than to provide anti-union employers with an opportunity to intimidate workers into voting against organizing. The bill would create a minimum 35 day delay before a representational election could occur. This period between workers’ submission of a petition and the election itself is when employers are most likely to commit unfair labor practices - the bill provides more time for lawbreaking. Further, the bill would require extensive pre-election hearings to produce even more pointless delays and frustrate workers, even if the union and employer agree on literally every pre-election issue.



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The other main harm caused by H.R. 2776 is that it would allow employers to gerrymander representational elections by stuffing unrelated work groups into a representational election, even if they have little in common with the actual group trying to organize. It would do so by overturning the NLRB’s 2011 Specialty Healthcare decision, which simply clarified that an employer could not pack voter rolls for an election unless the additional workers share an “overwhelming community of interest.” Amazingly, even one of the Majority’s hand-picked witnesses at the Subcommittee on Health, Employment, Labor, and Pensions’s June 14 hearing on the bill admitted that Specialty Healthcare had been properly decided, yet H.R. 2776 is still moving forward with this provision intact.

Finally, H.R. 986 would simply eliminate the right of workers at tribal-owned commercial enterprises to collectively bargain—period. It would exempt those workers from the NLRA’s protections, without even ensuring that the tribe itself had its own laws protecting the right to collectively bargain. Currently, tribal enterprises that perform legitimately governmental functions and are inward-facing are exempt from the NLRA, but purely commercial enterprises like casinos are covered. At many of these commercial enterprises, the overwhelming majority of workers are non-tribal members, meaning that they have literally no recourse, as they—rightly—are not able to participate in tribal elections.

It is worth observing that one of the leading advocates for H.R. 986 is the U.S. Chamber of Commerce. The Chamber has little record of supporting tribal sovereignty, and has in fact often attacked the interests of tribes, on issues ranging from economic development to resource management to health, worker and environmental protections. The Chamber of Commerce does, though, have a very lengthy record of attacking workers’ rights.

Simply put, a vote for H.R. 2775, H.R. 2776 or H.R. 986 is a vote against workers and against the right to organize. I strongly urge you to oppose each of these bills and to instead work to advance a pro-worker agenda that protects rights, raises wages, creates jobs, and addresses growing income inequality. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Shane Larson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Shane Larson
Legislative Director