

# Economic Policy Institute

June 28, 2017

The Honorable Virginia Foxx  
*Chairperson*  
The Honorable Bobby Scott  
*Ranking Member*  
Committee on Education & the Workforce  
U.S. House of Representatives  
Washington, DC

Dear Chairman, Ranking Member, and Distinguished Committee Members:

We write on behalf of the Economic Policy Institute Policy Center (EPI-PC), to express our views on H.R. 986, The Tribal Labor Sovereignty Act of 2017; H.R. 2776, The Workforce Democracy and Fairness Act; and H.R. 2775, The Employee Privacy Protection Act. The Economic Policy Institute (EPI) is a nonprofit, nonpartisan think tank created in 1986. We were the first – and remain the premier – such think tank to focus on the needs of low- and middle-income workers in economic policy discussions.

For years, EPI's researchers have studied the effect of the erosion of collective bargaining and union membership. The research is clear<sup>1</sup> – the erosion of collective bargaining has been a core contributor to our decades-long problems with wage stagnation and inequality, hurting not only union workers but nonunion workers as well. Any legislation that amends our nation's basic labor law should protect and enhance workers' freedom to join a union and collectively bargain, not make it harder for working men and women to exercise this fundamental right. Unfortunately, all three of the bills the Committee is considering today would make it harder for workers to engage in collective bargaining. We strongly urge all Members of this Committee to oppose these bills.

**H.R. 2776, The Workforce Democracy and Fairness Act (WDFFA)**, mandates unnecessary delay in the union election process, requiring a 35-day waiting period between the filing of an election petition and an election. The legislation also enables employers to gerrymander a bargaining unit (a group of workers that join together in a union). Under the WDFFA, employers could pack the voting rolls with workers who do not share the organizing workers' interests, making it very difficult for workers to win a union. At the same time, the bill would make it harder for workers to grow their union by adding members to an existing bargaining unit. This double standard reveals the true goal of the legislation—to ensure that all workers are left on their own to negotiate with their employers.

---

<sup>1</sup> Rosenfeld, Denice, and Laird, 2016. "[Union decline lowers wages of nonunion workers.](#)"

**H.R. 2775, The Employee Privacy Protection Act (EPPA)**, restricts the voter information unions receive during an organizing campaign. Under current law, a union has the right to a list of voter names, job classifications, work locations, shifts, and contact information within two days after a bargaining unit is determined. The EPPA would require that the voter list information be provided to the union “not earlier than 7 days” after a final determination of the bargaining unit. However, the bill does not provide a maximum waiting time. So, the union could receive the information the day before the election. Further, the EPPA restricts the contact information unions receive. The bill forces a worker to select, in writing, one form of contact information (telephone, email, or mailing address) to provide to the union. It prohibits workers from providing multiple forms of contact information.

**H.R. 986, The Tribal Labor Sovereignty Act**, would deprive workers who are employed by tribal-owned and -operated enterprises located on Indian land of their rights under the National Labor Relations Act (NLRA). The NLRA contains no express exemption for federally recognized tribes or the commercial enterprises they own or control. The National Labor Relations Board (NLRB) has considered whether to assert jurisdiction over labor disputes on tribal lands. In 2004, the NLRB articulated a test for whether the NLRB should assert jurisdiction over tribal enterprises. The test provides for a careful balancing of tribal sovereignty with federal labor law protections. This legislation upsets this balance and instead undermines the rights of working men and women.

Workers deserve policies that will help shift power back to working people by strengthening their rights to organize and collectively bargain for better wages and benefits, *not* policies that make it impossible for them to do so. We urge you and all members of the Committee to vote against all three of these bills.

We would be happy to answer any additional questions from Members of this Committee about our analysis of these bills or questions on the economic impact of the continued erosion of collective bargaining.

Sincerely,

Heidi Shierholz  
Director of Policy and Senior Economist  
Economic Policy Institute Policy Center

Celine McNicholas  
Labor Counsel  
Economic Policy Institute Policy Center