UNITED STEELWORKERS

UNITY AND STRENGTH FOR WORKERS

May 17, 2016

John Kline, Chairman
Education & Workforce Committee
U.S. House of Representatives
Washington, D.C. 20515

Robert C. Scott, Ranking Member
Education & Workforce Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Kline and Ranking Member Scott:

The USW strongly supports the Department of Labor's Final Rule on the Interpretation of the Advice Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act ("LMRDA"). 81 Fed. Reg. 15924-16051 (March 24, 2016) ("Rule" or "Persuader Rule"). This rule provides plain common sense transparency and accountability for employers who seek outside legal counsel or advice when employees are seeking to form or join a union for the purposes of negotiating wages, hours and working conditions.

Congress enacted the LMRDA in 1959 "to eliminate or prevent improper practices on the part of labor organizations, employers, labor relations consultants, and their officers and representatives . . . ." (29 U.S.C. § 401). Thus, Labor unions are held to an extremely high standard of transparency and reporting of all union expenses, including officers and employees salaries and benefits. This information is widely and publicly available on the Department website at: https://olms.dol-esa.gov/query/getOrgQry.do. A simple Google search can easily disclose the salary and benefits of any and all union officers and employees, (including myself).

Similarly, Section 203 broadly requires employers and labor relations consultants to report on "any agreement or arrangement . . . pursuant to which [the consultant] undertakes activities where an object thereof, directly **or indirectly**, is to persuade employees to exercise or not exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively." (29 U.S.C. §§ 433(a)(4) and (b)(1)) (Emphasis added).

United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union

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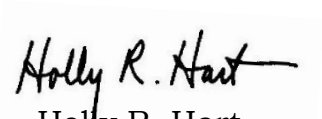
Nothing in this rule requires the employer or their consultants to disclose advice given. The rule only requires the employer disclose that consultants have been hired and the amount of payment.

During the Subcommittees April 27 hearing, fallaciously entitled "The Persuader Rule: The Administration's Latest Attack on Employer Free Speech and Worker Free Choice", several committee Members and witnesses correctly made a comparison that Member of Congress' must report the source and amount of campaign contributions. The persuader rule does nothing more or less than your obligation to report the source and amount of campaign contributions – employers must report the name of the consultant and the amount of compensation, but not the advice given. It is for this reason, we believe the "persuader rule" is good public policy, comports to the plain language of the statute, and does in no way violate any employer's "free speech" rights or operation of their workplace.

We strongly urge you to reject H.J. Res. 87 the Congressional Review Act, and any legislative efforts to block this rule. If you have any questions please contact Alison Reardon, USW Legislative Representative at areardon@usw.org or 202-778-3301.

Respectfully,



Holly R. Hart
Assistant to the President
Legislative Director