



March 3, 2015

Dear Senator,

On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing you in strong support of S.J. Res. 8, a Congressional Review Act resolution of disapproval in response to the National Labor Relations Board's (NLRB) "ambush election" rule related to the union election process. The rule significantly alters the pre-election labor union process in ways that would particularly harm small businesses. **A vote on S.J. Res. 8, the Alexander Congressional Review Act resolution of disapproval, will be considered an NFIB Key Vote for the 114th Congress.**

The NLRB's rule on "ambush" elections undermines an employer's opportunity to learn of and respond to union organization by reducing the so-called "critical period" from petition-filing to election, from the current average time of 38 days to as few as 10 days. NFIB believes that employee informed choice will be compromised because the shortened time frame will leave owners scrambling to obtain legal counsel, and they will have insufficient time to talk to their employees. This shortened time frame will hit small businesses particularly hard, since small employers usually lack labor-relations expertise and in-house legal departments.

When the NLRB last proposed the rule in 2011, NFIB sued to stop the proposal and a federal court threw out the rule. Three years later, the board issued an identical proposal. The fact remains that the current pre-election labor union process provides fairness for both employers and employees. In fact, the NLRB's own statistics show that under the current system, which provides an essential 25-day waiting period between the petition filing and the election, over 90 percent of elections occur within 56 days. In addition, Congress has historically recognized that at least 30 days is necessary to ensure employees the fullest freedom to exercise their right to choose to join a union.

The pro-union actions of the NLRB will only create more uncertainty for small business owners at a time when American small businesses need to be creating more jobs. **NFIB urges the Senate to pass S.J. Res. 8 and will consider it an NFIB Key Vote for the 114th Congress.**

Sincerely,

A handwritten signature in black ink that reads "Amanda Austin". The signature is written in a cursive, flowing style.

Amanda Austin
Vice President, Public Policy