

**INDUSTRY DEFENSE FUND
APPLICATION FOR FUNDS**

TO: BOMA IDF Oversight Committee

FROM: BOMA International

RE: Coalition for a Democratic Workplace Membership Dues

AMOUNT of REQUEST: \$5,000

DATE: 01/09/2013

I. PURPOSE:

Over the past few years, BOMA International has been an active, but non-paying member of the Coalition for a Democratic Workplace (CDW). CDW is an employer-based coalition organized initially to fight the so-called Employee Free Choice Act (EFCA), which was designed to strip Americans of the private ballot election during the unionizing process. BOMA International was a strong opponent and active participant in this effort. Since union efforts to implement EFCA through the legislative process have failed, unions are now focusing their efforts on enacting key portions of EFCA and EFCA-lite replacements through executive action and regulation through the National Labor Relations Board (NLRB). The aim of these efforts is to decrease the ability for employers to speak to employees, to decrease the ability of employees to access information from both sides and make an informed choice, and thereby increase the number of dues-paying union members. Due to the relentless efforts of unions and simply the nature of fighting these efforts through litigation, costs to combat these efforts has increased dramatically.

BOMA International hereby requests \$5,000 to join CDW as a General Member for 2013.

II. MEMBER IMPACT:

All BOMA International members would benefit since most of the efforts by CDW are aimed at fighting legislation and regulation that are national in scope.

III. BOMA MEMBERS' INTERESTS IMPACTED:

CDW continues to fight policies and rules that would negatively impact BOMA members. Some of these include:

1. Expedited or "ambush" union election process;
2. Requiring businesses to disclose all information and documentation from consultants hired to counsel them when faced with a union drive;
3. Requiring business to display a poster that amounts to a "how to" unionize;
4. Making private property open to unions if access to groups such as the Red Cross or Girls Scouts is granted;

If most or all of these policies were made into law, BOMA members could be left unable to fairly educate employees on the pros and cons of unionizing. They could also be faced with fewer, if any, non-union service providers, increasing costs and decreasing choice in the marketplace.

IV. PRECEDENT VALUE:

Has this issue been litigated, legislated, or the subject of regulation in another local or state jurisdiction, or at the federal level?

NO

X YES.

Most if not all the efforts of CDW are reactionary in nature and are subject of a regulation or rule making. Most of the proposed regulations or rulings require the hiring of outside counsel to help file amicus briefs and/or litigate directly in court.

V. MATCHING FUNDS:

Since its inception, CDW has been funded by organizations and companies from across the business community. Paying members can join as Steering Committee members or General Members. To date, BOMA International has been a member in name only, but has contributed in other ways, such as direct and grassroots lobbying of EFCA legislation. CDW currently has approximately 630 members and anticipates a budget close to \$1 million.

VI. ACCOUNTABILITY:

A. Please provide the following information on the individual who will serve as lead on this project and will verify all relevant payment requests.

Expenditure of any of these funds will be subject to the three-signature requirement contained in the BOMA IDF Rules.

B. How will project costs be tracked, and how will the required updates, financial statements, and related documentation outlined in the Disbursement of Funds process (Section VII of the IDF Rules) be provided to the IDF Oversight Committee?

All expenditures will be made via invoice and reviewed prior to reimbursement by BOMA's Advocacy Division, as well as the Finance staff. Also, no funds will be expended until approved by the IDF Chair and BOMA's President.

VII. DURATION OF FUNDING:

This specific request is for one-time funding of dues as a General Member for 2013.

VIII. OUTLOOK:

A. Please indicate the likelihood of success of the planned action and your reasons for making such an assessment.

POOR _____ FAIR__ **GOOD X** EXCELLENT _____

Thus far, efforts by CDW have proven to be fairly successful, with recent favorable rulings through the U.S. court system, such as the striking down of the “ambush” or “quickie” election rule.

B. Please indicate the likelihood of success of planned action without IDF funding and your reasons for making such an assessment.

POOR _____ **FAIR X** GOOD _____ EXCELLENT _____

It is difficult to project the likelihood of success for each individual case CDW litigates. However, thus far, CDW has been relatively successful without BOMA International’s financial backing. It seems only fair and reasonable for BOMA to help contribute to a cause from which it and its members continue to benefit and which is growing in cost for the entire business community as more cases arise.

IX. SELF HELP:

A. Please list actions already undertaken toward achievement of the stated project goal:

BOMA International has been engaged in the EFCA battle from the beginning, primarily on the legislative front.

B. Do you have a Government Relations Committee or similar entity to assist and/or provide oversight in pursuing this issue?

BOMA International’s Government Affairs Committee will be consulted throughout this process.

X. WORK PRODUCT:

A. Will this application result in a work product that may be used by other BOMA members, local associations, or state coalitions?

Dues to CDW also fund a web site that provides copies of amicus briefs, press releases and updates litigation and regulations.

YES X NO ____

INDUSTRY DEFENSE FUND

BALLOT

APPLICANT: BOMA International

PROJECT: Coalition for a Democratic Workplace Membership Dues

DATE OF
REQUEST: 01/09/2013

AMOUNT OF
REQUEST: \$5,000

DATE OF IDF
COMMITTEE MEETING: 01/18/2013

We the members of the IDF Oversight Committee have met, and a quorum being present, have taken the following action on the above-captioned request:

_____ Approved

_____ Approved in part: Explain

IDF CHAIR
Cary M. Fronstin

IDF COMMITTEE SECRETARY
Karen W. Penafiel

INDUSTRY DEFENSE FUND

DISBURSEMENT OF FUNDS REQUEST

TO: Brian Green, BOMA-CFO
FROM: IDF Oversight Committee
RE: Disbursement of Funds
DATE: 01/09/2013

If all the necessary signatures are found below, you are directed to make the following disbursement:

Project Name	Coalition for a Democratic Workplace Membership Dues
Total Authorized	\$5,000
Beg. Bal. Unexpended	\$
Reimbursement Request	\$
Ending Unexpended	\$
Payee	Coalition for a Democratic Workplace
Address	"Coalition for a Democratic Workplace" C/O Associated Builders and Contractors Associated Builders and Contractors 4250 N. Fairfax Drive, 9th Floor Arlington, VA 22203

We verify the above expenditure to be:

- In accordance with the IDF Oversight Rules for Operation;
- Within the authorized cap established by the IDF Oversight Rules for Operation;
- In furtherance of achieving the goals established by the IDF Oversight Committee; and
- In accordance with a completed Project Financial Update and Statement form.

Karen W. Penafiel, IDF Secretary

Henry H. Chamberlain, President/COO

I accept the representation of the BOMA staff and direct the funds be released.

Cary Fronstin, Chair, IDF Committee