

Mr. Lester A. Heltzer
Executive Secretary
National Labor Relations Board
1099 14th Street, NW
Washington, DC 20570

Re: Notice of Proposed Rulemaking, Representation Case Procedures
RIN 3142-AA08

Dear Mr. Heltzer:

I am writing to request that the National Labor Relations Board immediately withdraw the above-referenced Notice of Proposed Rulemaking. The proposed rule is completely unnecessary and would infringe on my rights as an employer and my employees' rights, create further tension between labor and management and, most importantly, make it much harder for me to create jobs.

The proposal would make drastic and unnecessary changes to the long-standing procedures for conducting union representation elections in an effort to promote unionization at the expense of my right to communicate with my employees and their right to make an informed choice about union representation. My understanding is that I could find myself facing a representation election in as little as 10 days after the union filing of a petition, as opposed to the current median of 38 days before an election. I would need to spend the majority of the ten days finding and retaining legal counsel so I can understand my rights and don't accidentally violate the law. This would leave me with almost no opportunity to talk to my employees about union representation or respond to promises union organizers may have made to secure union support, even though many of those promises may be completely unrealistic. Not only is this unfair to my employees and me, but it also promises to destabilize future relations as parties would enter a bargaining relationship with unrealistic expectations. As President Obama recently observed, "We can't afford to have labor and management fighting all the time, at a time when we're competing against Germany and China and other countries that want to sell goods all around the world." The new election rules would do exactly what the President is warning against.

Also, allowing me so little time to respond to a union petition and requiring me to file complex new documents, with practically no margin for error, would trample my due process rights. Under current rules, after a petition is filed I can retain a lawyer, figure out which employees the union wants to represent, make a simple list of names and addresses, and then make sure my employees get both sides of the story before they vote. Under the new rules, I have only seven days to find a lawyer and put together a hastily compiled legal statement. If I fail to include to a legal argument in that statement, it has been waived forever.

I am also very concerned that the new rules would force me to turn over confidential information about my employees, including phone numbers and email addresses. The rules don't make it clear if I would have to provide home or work contact information, or both. Many people have unlisted phone numbers and use personal email addresses for online shopping and banking. Forcing me to disclose this information is irresponsible, dangerous and unfair to my employees. And providing work phone numbers and emails would almost guarantee solicitation and distraction during working time. This has never been allowed in union campaigns and would disrupt and harm my business.

Finally, not only are the changes completely unfair to my employees and me, they are completely unnecessary. As your own Acting General Counsel noted in an official report, the Board's performance using the current election system is "outstanding," with a median of 38 days from petition to election, and a majority of elections are being won by unions.

The proposed rule represent a devastating blow to my free speech and due process rights and will deprive my employees' rights to make an informed decision about union representation. For these reasons, I respectfully urge the Board to withdraw the proposed rulemaking in its entirety.

Respectfully submitted