January 11, 2018

National Labor Relations Board  
1015 Half Street SE  
Washington, D.C. 20570-0001

SUBJECT: 2014 ELECTION RULE

Dear Chairman Marvin E. Kaplan, Ms. Lauren McFerran, Mr. Mark Gaston Pearce, and Mr. William J. Emanuel of the National Labor Relations Board

I respectfully request the members of the Board consider the following facts before taking any action which may rescind or alter any portion of the current Election Regulations as defined in Title 29 of the Code of Federal Regulations, Parts 101 and 102.

When the NLRB adopted the current election procedures under the new rule in December of 2014 their intent was to, “modernize and streamline” the election process. These new rules and other modernizations, according to the NLRB Fiscal Report of 2015, led to a savings of $1,799,035 compared to aggregate costs taken from the years 2010-2012 (See Page 16 of Justification of Performance Budget for Committee on Appropriations)

As an agency that prides itself on being a good steward of taxpayer dollars, the new streamlined procedures have not only shown the Agency to be more fiscally responsible, but have also served to improve the Boards alignment with its stated mandate: “...to protect the rights of employees and employers, to encourage collective bargaining, and to curtail certain private sector labor and management practices, which can harm the general welfare of workers, businesses and the U.S. economy.” In our experience, the most common and egregious private sector management practice is the use of captive audience meetings. Under the old process employers were allowed a protracted period of time to inundate employees with anti-union propaganda during these mandatory meetings. In Case Number 14-RC-129207, fifty-six (56) days elapsed from the date the petition was filed until the election was held. Later we would see that the employer paid $90,434.00 (File Number E-66314) to International Labor Consultants, a union-busting firm managing the captive audience meetings held over the course of those fifty-six days. In a perfect world employees seeking representation would be afforded equal access to their chosen representative. The new election procedures help offset the disparities in access and economic power germane to the employer-employee relationship. For these reasons we ask that the 2014 Election Rule be maintained.

Respectfully,

John R Kahlhoff  
Business Representative  
IBEW Local No. 1

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