



April 18, 2018

To: Roxanne Rothschild
Deputy Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570

From: Jermaine Smiley
Business Manager & Secretary-Treasurer
Washington and Northern Idaho District Council of Laborers
P.O. Box 12917
Mill Creek, WA 98082-0917

Re: Request for Information Concerning Representation Case Procedures

Dear Ms. Rothschild,

The Washington and Northern Idaho District Council of Laborers has filed petitions for elections with the National Labor Relations Board both before and after the changes to the rule governing elections. We write to provide information concerning the Board's representation case procedures in response to your request.

We have been involved in approximately five elections since the passage of Amended Rules in December of 2014. In our experience, the Amended Rules have improved the elections process for unions and employers alike. They have not given an advantage to either labor or management; rather, the amended rules have worked to make the workplace elections process more efficient, transparent, and effective.

For the reasons outlined below, the Washington and Northern Idaho District Council of Laborers asks the Board not to revoke or change the amendments.

In our experience, the amended rules have

- 1. Shortened the time required for the Board to process representation petitions, thereby reducing unnecessary litigation.**

These changes have provided a clear, fair election process that has improved stability and reduced confrontations in the workplace. Under the former rules, it could take months and even *years* before workers had the opportunity to cast a vote. Such delays often created unnecessary, protracted, and drawn-out legal battles that damaged labor relations, hurt productivity, impaired safety, and disrupted commerce, all in violation of the spirit and purpose of the National Labor Relations Act.

The former NLRB union election process rewarded unscrupulous employers who used litigation to stall an election date, often pursuing claims that are irrelevant or found to be without merit. By reducing choke points in the current system, the amended rules will continue to reduce the amount of unnecessary litigation over election-related disputes.

2. **Made the elections process simpler and easier for union representatives and employees to understand.** This is important for unions because unions often do not use lawyers in representation cases.
3. **Modernized the NLRB election process for forming a union, thereby creating a more level playing field between labor and management.**

Employers and workers alike are entitled to a process that cannot be manipulated to gain unfair advantage and is clear, precise, and efficient.

4. **Preserved the ability of Employers to mount campaigns conveying the same types of information using the same methods as was the case prior to the amendments.**

The amended rules have not changed the fact that Companies will be free to express their opinions about union representation. From the first day workers are hired, companies have ample opportunity to make their views clear to workers.

The additional contact information provided to unions on the eligibility list has narrowed by a small amount the disadvantage unions have in conveying their message to employees prior to an election.

5. **Strengthened the right of employees to exercise their right to petition and to make a free choice of whether to be represented.** Workers need a fair process to ensure that they can truly exercise their right to decide whether or not they want to be represented by a union, and the amended rules provide them with that guarantee.



These modest changes will reduce needless bureaucracy and delays. The former NLRB election process was bogged down with time-consuming, needless bureaucratic procedures, leaving the election timeline vulnerable to delay and manipulation and wasting government resources.

Thank you for your attention to this matter.

Sincere regards,

A handwritten signature in black ink, appearing to read "Jermaine Smiley". The signature is fluid and cursive, with the first name being more prominent than the last.

Jermaine Smiley
Business Manager & Secretary-Treasurer
Washington and Northern Idaho District
Council of Laborers