



S.J. Res. 8—Providing for congressional disapproval under chapter 8 of title 5, United States Code National Labor Relations Board relating to representation case procedures (Sen. Alexander, R-TN)

CONTACT: REBEKAH ARMSTRONG, REBEKAH.ARMSTRONG@MAIL.HOUSE.GOV, 202-226-0678

FLOOR SCHEDULE: MARCH 19, 2015 UNDER A [CLOSED RULE](#) THAT PROVIDES ONE HOUR OF DEBATE.

TOPLINE SUMMARY: This [joint resolution](#) would disapprove of the rule submitted by the National Labor Relations Board (NLRB) relating to representation case procedures. The resolution would deem the rule unenforceable.

CONSERVATIVE CONCERNS: There are no substantive conservative concerns.

COST: There is no Congressional Budget Office (CBO) score available at this time.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: In December 2014, the NLRB finalized a new [rule](#) for union representation cases that would significantly reduce the period between the filing of a petition a union election. This rule would become effective on April 14, 2015.

Specially, the NLRB rule addresses representation petitions, including calls for elections to select a union or to remove a union. This change would set forth an “accelerated election” process, which would give employers less time to react and communicate their views regarding the unionization. Many employers believe this accelerated process would provide unions with an unfair advantage. According to NLRB [election statistics](#), the union election win rate is currently 68.6 percent. Many expect that shortening the timeframe would increase the union election win rate.

At a February 2015 Senate HELP hearing, the [National Federation for Independent Business](#) raised concerns that the new rule, especially the expedited timeline would shift administrative burdens to the employer and reduce the time available for employers to consult with legal representation.

This rule would also expand the amount and scope of personal employee information the employer must disclose to unions. The NLRB would require the release of an employee’s telephone number, email address, home address, work location, shift, and classification.

OUTSIDE GROUPS SUPPORT:

- [Americans for Tax Reform](#)
- [American Hotel and Lodging Association](#)
- [Associated Builders and Contractors](#) will consider this a key vote for their 114th Congressional Scorecard
- [Associated General Contractors of America](#)
- [Coalition for a Democratic Workplace](#)
- [International FoodService Distributors Association](#)
- [National Association of Manufacturers](#)
- [National Council of Chain Restaurants](#)
- [National Federation of Independent Business](#)
- [National Restaurant Association](#)
- [National Restaurant Association](#)
- [National Roofing Contractors Association](#)
- [Retail Industry Leaders Association](#)
- [Society for Human Resource Management](#)

COMMITTEE ACTION: This bill was introduced by Senator Alexander on February 9, 2015, and referred to the Committee on Health, Education, Labor, and Pensions (HELP). The HELP Committee held a [hearing](#) on the NLRB rule on February 11, 2015. This resolution passed the Senate on March 4, 2015, by a vote of [53-46](#).

On March 4, 2015, the Education and Workforce Committee held a [legislative hearing](#) on the NLRB rule. In addition, the committee has provided additional [background](#) on this issue.

ADMINISTRATION POSITION: The [Administration](#) strongly opposes Senate passage of S.J.Res. 8, which would overturn the National Labor Relations Board's recently issued "representation case procedures" rule. If the President were presented with S.J.Res. 8, his senior advisors would recommend that he veto the Resolution.

CONSTITUTIONAL AUTHORITY: Legislation that originates in the Senate is not required to have a constitutional authority statement.

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*

###