

September 25, 2019

The Honorable Robert “Bobby” Scott
Chairman
U.S. House Education and Labor Committee
2176 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Virginia Foxx
Ranking Member
U.S. House Education and Labor Committee
2101 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Scott and Ranking Member Foxx:

SHRM supports balanced labor-management relations and recognizes the inherent rights of employees to form, join, assist or refrain from joining a labor organization. As such, I am writing in opposition to H.R. 2474, the Protecting the Right to Organize Act of 2019.

In the pursuit of expedience for union organizing, H.R. 2474 proposes policy changes that egregiously impact the HR profession in the following ways:

Revocation of Attorney-Client Privilege — H.R. 2474 amends the Labor-Management Reporting and Disclosure Act to require employers and their advisors to file public reports with the Department of Labor disclosing any arrangement that indirectly persuades employees regarding union organizing or collective bargaining. This provision improperly revokes attorney-client privilege, discouraging employers from seeking legal advice, a concept that was barred from going into effect under the Obama Administration’s “Persuader Rule.”

Violates Employee Privacy — H.R. 2474 violates employee privacy under the Excelsior List by denying employees the ability to choose how the union communicates with them. This legislation requires the disclosure of employees’ home addresses, work locations, shifts, job classifications; and, if available, cell and landline numbers along with work and personal email addresses—personally identifiable information that deserves the utmost protection.

Shorten Union Election Timeframe — H.R. 2474 requires employers to provide the Excelsior List within two days of when a union petition has been filed. This timeframe is inadequate for employers and increases their liability for an unfair labor practice if the information is not accurate.

SHRM has long advocated for policies to ensure that employers and employees are equally represented at the bargaining table. We look forward to working with members of the Committee to find the right balance to attain this goal.

Sincerely,



Johnny C. Taylor, Jr., SHRM-SCP
President & CEO

CC: Members of the House Education and Labor Committee