



Prior to the decision, to petition for a representation election, a union had to produce signed authorization cards from at least 30% of the workers in the proposed bargaining unit. If the union produced cards from over 50% of the proposed unit, the employer could voluntarily recognize the union without an election. Now, employers will be forced to agree to card check, a system in which union organizers can approach employees (at any time, in any place and as many times as necessary) to present them with an authorization card and ask for, or demand, their signature, in most circumstances.

Under the new standard, when a union claims majority support, an employer has two options: they can voluntarily recognize the union and begin to bargain with them as the exclusive bargaining representative of the unit; or they can file a petition for an election with the NLRB, but they must do so within two weeks. If they miss the two-week window, the Board can issue a bargaining order requiring the employer to recognize and bargain with the union.

Card check is [notoriously flawed](#). It leaves workers vulnerable to coercion and harassment by union organizers and their supporters by forcing them to express their support or opposition to union representation in front of others. Card check is also used to both hide the unionization campaign from the employer and expedite it, with the goal that employees never hear from employers about the negatives of the union and unionization, leaving workers without the information they need to make this decision.

workplace, and they should be guaranteed to all workers. Card check, which was included in the Protecting the Right to Organize Act, has been historically rejected by Congress on a bipartisan basis.

### **Union Neutrality**

The Biden administration and the general counsel of the NLRB have likewise made clear their desire to curtail employer speech through federal legislation and/or Board actions, and even some state legislators, including in California, Connecticut and Washington, want to restrict employers from simply speaking to employees about unionization in employer-sponsored meetings.

In some cases, legislators seek to condition grants with requirements that recipients

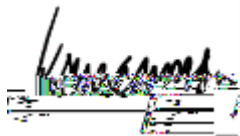
agreement during the life of the loan and for years after completing repayment of the loan.

The bottom line is that neutrality agreements limit the ability of workers to hear both sides of the argument in a unionization effort, unfairly influencing and coercing employees while shutting employers out of the process.

Neutrality agreements harm American workers by denying them important information they need to determine whether they wish to join or not join a union. In addition, neutrality agreements prevent employees from exercising their Section 7 right to make a meaningful choice about representation by allowing unions to conceal necessary information from employees.

ABC appreciates the opportunity to comment on the sub hearing.

Sincerely,



Kristen Swearingen  
Vice President, Legislative & Political Affairs