



Keith Smith

Director, Employment and Labor Policy

July 1, 2010

Mr. Douglas S. Wolf
Contracting Officer
National Labor Relations Board
1099 14th Street NW
Washington, DC 20570

Dear Mr. Wolf:

Recently the National Labor Relations Board (NLRB) published a request for information regarding industry solutions for procuring and implementing “secure electronic voting services for both remote and on-site elections.” The National Association of Manufacturers (NAM) is concerned with the Board’s intention to pursue the use of electronic systems to allow union representation elections to take place off-site and outside the supervision of the NLRB. The NAM firmly believes the current practice of NLRB-supervised elections that take place on employees’ worksites protects the integrity of the union election process and safeguards employees from intimidation and coercion from third parties.

Manufacturing supports an estimated 18.6 million jobs in the U.S.—about one in six private sector jobs. Our nation’s dynamic labor market is one of our economy’s great competitive advantages. NAM members are vitally interested in the development of labor policy and labor relations practices that are sound and that balance the best interests of employees and employers.

The NAM strongly opposes legislation that could jeopardize positive employer-employee relationships and undermine privacy. The jobs-killing Employee Free Choice Act would deprive employees a free flow of information with their employers regarding union representation. The use of “card check” systems to replace NLRB-supervised elections is one of the most concerning aspects of the legislation. We also are troubled by efforts to implement the goals of the legislation outside of Congress, including through federal regulations and related efforts by Executive Branch agencies.

Should the Board continue to consider means in which electronic systems are employed in representation elections, all of the safeguards in current procedures should be maintained. These include conducting elections at sites at which employees regularly perform their work duties and under the direct supervision of the NLRB. It is essential that the NLRB monitor the casting of representation ballots to ensure that appropriate election practices take place and to ensure the validity of the ballots cast. While there are instances in which on-site voting has proven unfeasible, these instances are rare, affecting only 7 percent of elections held in 2008.

Voting methods that utilize web-based technologies and telephone-based balloting do not allow the necessary levels of observability and transparency that exist within the current election process. Currently, union organizers are entitled to receive employees’ personal

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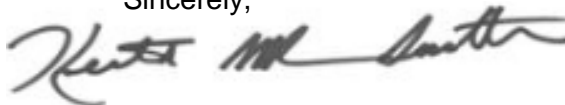
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contact information from employers for the purposes of union organizing efforts. Introducing methods of remote-access elections combined with this access to information exposes workers to potential unwanted intimidation and harassment.

The current union election process allows employees to freely determine whether or not union representation is necessary for their workplace. In fact, according to the NLRB's own statistics, union organizers won 69 percent of elections in 2009. Additionally, the timeframe for elections has been steadily decreasing, and elections currently take place within 38 days of the initial filing of petitions. Almost all elections take place within two months (95 percent of which occur within 56 days.) The introduction of remote-access technologies may curtail the timeframe necessary for employees to contemplate both the costs and benefits of electing labor unions to be their exclusive representative for purposes of collective bargaining.

Such changes to the election process would be a drastic deviation from current practice and run counter to the principles of fairness and balance inherent in our labor laws. We strongly urge the Board to maintain the integrity of the current NLRB-supervised union representation process and refrain from introducing new technologies that remove the necessary protections currently afforded to employees.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith M. Smith". The signature is fluid and cursive, with a long horizontal stroke at the end.

Keith Smith