



February 4, 2011

Lester A. Heltzer, Executive Secretary  
National Labor Relations Board  
1009 14<sup>th</sup> Street N.W.  
Washington, DC 20570

**RE: RIN 3142-AA07, Proposed Rules Governing Notification of Employee Rights**

Dear Mr. Heltzer:

I am writing to voice the Michigan Chamber's opposition to the National Labor Relations Board's Proposed Rules Governing Notification of Employee Rights, published in the *Federal Register* on December 22, 2010. This proposed rule, which would require virtually every employer in the United States to post a notice of labor rights both in hard copy and electronically, is biased and exceeds statutory authority -- and should be reconsidered.

The proposed notice of labor rights, while long and detailed, is biased and one-sided. For example, if balanced, the proposed notice would advise employees that they have the right to object to paying union dues or fees for political purposes. Similarly, the notice would inform employees of their rights to decertify or leave a union once formed.

In addition, the Michigan Chamber believes the Board has exceeded its statutory authority with the proposed rule. The National Labor Relations Act is a remedial statute and gives the Board the authority to correct violations of the statute. The NLRB does not grant or authorize the Board to require an employer to post notices, create new unfair labor practices and/or suspend the statute of limitations for alleged violations. Yet the proposed rule does all three.

The Michigan Chamber sees many practical problems with the proposed rule, especially the language which requires the notice to be posted electronically "such as by e-mail, posting on an intranet or internet site, and/or by other electronic means, if the employer customarily communicates with its employees by such means." For some employers, this may be straight forward but for others it invites confusion over what types of employer communications would trigger the requirement. At the very least, this language should be clarified to give employers better certainty as to how to comply with the proposed rule.

Finally, we thought it would be helpful to share some of the feedback we received from our members, who would need to comply with the proposed rule if approved:

- "I agree with the opinions of dissenting Board Member, Brian E. Hayes, that the Board lacks the statutory authority to require such a posting, and that imposing an unfair labor practice liability for failure to post is going well overboard. This is perceived as promoting unionization on the very shaky premise that employees have no clue they have the right to union representation." -- Daniel D.
- "In my view, the proposed NLRB rule requires a workplace posting of employee Section 7 rights reflects the NLRB's current, aggressively pro-union bias and should be opposed by the Chamber." -- Peter C.

- “If the NLRB wants to educate the population on the benefits of joining [a union]...the NLRB can afford the expense and effort of such a marketing campaign, the same as any other organization soliciting new membership and a broader population of constituents. Private employers are already tasked with governance, risk, safety and financial disclosures on investments and 401(K) plans to name a few.... [A]dding more educational and notification compliance on the part of the employer increases additional administrative costs and resources and detracts the company from what they do best – employing people and making a profit so they can continue to employ more people and create a growing and sustainable business model and plan for continuation.” – Gina S.
- “The unions are nothing more than a business trying to sustain itself. Why should they get free advertising? If they will pay me I will consider it. Otherwise they can, as all businesses do, advertise in print, TV, radio, etc. to sell their product instead of crying to [the NLRB] to get the taxpayer to foot the bill.” – Denna D.
- “I believe the proposed NLRB rule borders on lunacy.” – Paul G.
- “The posting of this information may well increase the likelihood of an organizing drive at companies which do not currently have unions. An organizing drive, if it were to occur, will have the effect of causing both management and workers to lose focus on their primary mission; that is to provide a high level of service to their customers while outperforming their competitors. During the organizing and election period, product and/or service and customer satisfaction are bound to suffer.” -- Rod L.

Thank you for the opportunity to comment on the proposed rule.

Sincerely,



Wendy Block  
Director of Health Policy and Human Resources  
Michigan Chamber of Commerce