



COALITION *to protect* MONTANA JOBS

Candidate Questionnaire

Please select the choice that most closely reflects your views on the issue. Any questions left unanswered will be displayed publicly as "candidate declined to answer."

1) We believe that the privacy of workers deserves protection, and that privacy extends to their personal contact information. We believe it's wrong to force employers to reveal to union organizers the names, telephone numbers, email addresses and even home addresses of employees without their consent.

NLRB Chairman Addresses Private Employee Contact Information:

"The chairman of the National Labor Relations Board plans to push for new rules that would give unions a boost in organizing members, despite an outcry from Republicans and business groups who say the board is going too far. Mark Pearce said he hopes the board will propose the rules soon, now that it has a full component of five members. President Barack Obama bypassed the Senate earlier this month to fill three vacancies. 'We keep our eye on the prize,' Pearce said in an interview with The Associated Press ... One change Pearce wants is to require businesses to hand over lists of employee phone numbers and emails to union leaders before an election." (Sam Hananel, "Labor Board Chief To Push Union Organizing Rules," Associated Press, 1/25/12)

Keep Employees' Emails And Phones Secure Act (H.R. 3991):

"Representative Sandy Adams (FL-24) released the following statement after introducing H.R. 3991, the Keeping Employees' Emails and Phones (KEEP) Secure Act, which protects employees from the National Labor Relations Board's (NLRB) overreach. Over the past few months, the NLRB has aimed at making changes to the union election process. Since 1966, employers have been required to hand over a list of all eligible employees' names and addresses, known as an 'Excelsior' list, to the regional director of the NLRB, which is then turned over to the unions within seven days after an election has been called. But on June 22, 2011, the NLRB issued a proposed rule which would require 'both telephone numbers and, where available, e-mail addresses be included ... on the eligibility list.' In the final rule issued by the NLRB on December 22, 2011, the provision to expand the scope of the 'Excelsior' list was not included. However, as the Associated Press reported on January 25, 2012, NLRB Chairman Mark Pearce has indicated he plans to once again propose the same rule which would interject the federal government into the private lives of Americans. The KEEP Secure Act would protect employees from being mandated by the NLRB to hand over their phone numbers and emails." (Press Release, "Adams Introduces Legislation To Safeguard Employees' Privacy," U. S. Representative Sandy Adams, 2/9/12)

Are you in support of the Keep Employees' Emails and Phones Secure Act (H.R. 3991) and would you vote for it as stand-alone legislation and as an amendment to other legislation?

- a. Support as stand-alone legislation
- b. Oppose as stand-alone legislation
- c. Support as an amendment
- d. Oppose as an amendment



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2) We believe the NLRB-authorized formation of small collective bargaining units in the workplace with as few as two people would increase costs and burdens on employers during a difficult economic environment. This policy would create division, discord and disharmony in the workplace as little unions negotiate against one another, while business owners would become entangled in an expensive mess of union red tape and competing demands.

NLRB Decision Concerning "Micro-Unions":

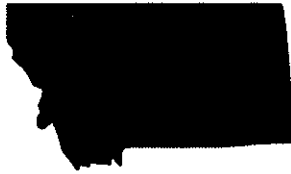
"In a case known as Specialty Healthcare, the board decided that the union could seek to organize a group that consists only of nursing assistants, a blow to the employer, which wanted to include other nonprofessional employees in the unit. Employer groups had been concerned the board would use the health-care industry case to endorse the formation of so-called mini-bargaining units in a range of workplaces, which they said would allow unions to target small groups of workers the unions know would support unionization. The Democrats on the board, in their written decision, used the case to clarify what they said has been longstanding policy in various industries when determining what constitutes an appropriate group of workers to organize. They said that when an employer disagrees with a union's proposal to organize a narrower group of employees, the onus is on the employer to prove the excluded workers share 'an overwhelming community of interest' with those in the proposed unit. The board's lone Republican, Brian Hayes, disagreed with this assessment in his dissent." (Melanie Trottman, "NLRB Sides With Unions In Three Cases," *The Wall Street Journal*, 8/30/11)

Representation Fairness Restoration Act (S. 1843):

"U.S. Senator Johnny Isakson (R-Ga.) today introduced legislation that would reverse the National Labor Relation Board's recent decision allowing as few as two or three employees to form micro bargaining units, or 'mini-unions,' to engage in collective bargaining with employers. Isakson's legislation, the Representation Fairness Restoration Act, has 28 cosponsors. Isakson's legislation comes in response to the Aug. 26, 2011, decision by the federal labor board in the 'Specialty Healthcare' case, which set a new precedent allowing unions to target small numbers of employees within a company for the purpose of organizing them into micro bargaining units. For example, in one grocery store, the cashiers could form one 'mini union,' the baggers could form another, the produce stockers could form yet another, and so on. This could potentially create several different unions within the same store location, making it easier for unions to gain access to employees and nearly impossible for employers to manage such fragmentation of the workforce. Isakson's legislation would reinstate the traditional standard for determining which employees will constitute an appropriate bargaining unit, a standard that has been developed through years of careful consideration and Congressional guidance." (Press Release, "Isakson Introduces Legislation To Reverse Administration's Decision to Allow 'Mini Unions'," U.S. Senator Johnny Isakson, 11/10/11)

Are you in support of the Representation Fairness Restoration Act (S. 1843) and would you vote for it as stand-alone legislation and as an amendment to other legislation?

- a. Support as stand-alone legislation
- b. Oppose as stand-alone legislation
- c. Support as an amendment
- d. Oppose as an amendment



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3) We believe conducting NLRB elections in as few as seven to 10 days would prevent workers from making an informed choice, undermine the secret ballot and leave business owners struggling to get access to the resources they need to tell their side of the story.

Note: The Fiscal Year 2011 NLRB Summary of Operations showed that “91.7% of all initial representation elections were held within 56 days of the filing of the petition” and “the median time to proceed to an election from the filing of a petition was 38 days, the same rate achieved in FY 2010, and well below our target median of 42 days.”

NLRB Supports “Ambush” Elections:

“In a win for organized labor, the National Labor Relations Board on Wednesday approved sweeping new rules that would speed the pace of union elections, making it easier for unions to gain members at companies that have long rebuffed them. Business groups quickly denounced the move, saying it limits the time employers have to present their own case to workers about the impact of joining a union.” (Sam Hananel, [“Business Groups To Fight New NLRB Rules,”](#) Associated Press, 12/21/11)

S.J. Res. 36:

“Forty-four senators today, led by Senator Mike Enzi (R-Wyo.), Ranking Member on the Senate Health, Education, Labor and Pensions (HELP) Committee, filed a formal challenge to the National Labor Relations Board’s (NLRB) recent rule on ambush union elections. The senators introduced a Resolution of Disapproval (S.J. Res 36) under the Congressional Review Act (CRA), which if passed allows Congress to stop a federal agency from implementing a recent rule or regulation. The House is also scheduled to introduce a Resolution of Disapproval ... The CRA allows either the Senate or the House to introduce a joint resolution of disapproval with the full force of law to stop a federal agency from implementing a recent rule or regulation. A resolution of disapproval introduced under the CRA cannot be filibustered and needs only a simple majority in the Senate to pass if acted upon during a 60-day window.” (Press Release, [“44 Senators Challenge NLRB’s Ambush Election Rules,”](#) Health, Education, Labor & Pensions Committee, 2/16/12)

H.J. Res. 103:

“Today, House Education and the Workforce Chairman John Kline (R-MN) joined Rep. Phil Gingrey (R-GA) and Rep. Phil Roe (R-TN) to introduce a resolution (H.J. Res. 103) under the Congressional Review Act that will block the National Labor Relations Board’s (NLRB) December ambush election rule. Sixty-five representatives supported the resolution upon introduction ... In June, the NLRB introduced sweeping changes to the rules governing union elections that would have allowed elections to take place in as little as 10 days, stifling employer free speech and worker free choice. On December 21, the board finalized a number of these provisions, and the chairman of the board has expressed his desire to move forward with finalizing the rest of the initial proposal.” (Press Release, [“Sixty-Five Representatives File Challenge To NLRB’s Ambush Election Rule,”](#) Education & The Workforce Committee, 2/16/12)



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Do you support S.J. Res. 36 and H.J. Res. 103, joint resolutions under the Congressional Review Act that will nullify the National Labor Relations Board's recent rule amending union election procedures?

a. Support

b. Oppose

ADDITIONAL:

4) Workforce Democracy And Fairness Act (H.R. 3094):

"Today, House Committee on Education and the Workforce Chairman John Kline (R-MN) introduced the Workforce Democracy and Fairness Act to help prevent the National Labor Relations Board (NLRB) from implementing sweeping changes to our workplaces. In recent months, the NLRB has quietly advanced an activist agenda that empowers unions to manipulate the workforce for their own gain while restricting an employer's right to communicate with their employees and crippling an employee's ability to make a fully informed decision. The Workforce Democracy and Fairness Act will force the NLRB to change course and reaffirm the protections workers and employers have received for decades." (Press Release, "Kline Introduces Workforce Democracy And Fairness Act," Education & The Workforce Committee, 10/5/11)

Do you support the Workforce Democracy and Fairness Act (H.R. 3094), which passed in the U.S. House and would you vote for it as stand-alone legislation and as an amendment to other legislation?

a. Support as stand-alone legislation

b. Oppose as stand-alone legislation

c. Support as an amendment

d. Oppose as an amendment

5) Employee Rights Act (S. 1507 & H.R. 2810):

"Rep. Tim Scott (R-South Carolina) and Sen. Orrin Hatch (R-Utah) this week introduced legislation to protect individual workers from coercion and harassment in the workplace. Scott and Hatch introduced the Employee Rights Act because they believe that workers should remain free to decide whether to unionize or not – and to express their views openly – without fear of intimidation or retribution. The bill comes in the midst of a national debate over the role of labor unions and as the policies of Obama Administration have been weighted to advantage unions by weakening worker protections and established rules and procedures." (Press Release, "Tim Scott And Orrin Hatch Introduce Legislation To Protect Workers' Rights," U.S. Representative Tim Scott, 8/4/11)

Do you support the Employee Rights Act (S. 1507 and H.R. 2810) and would you vote for it as stand-alone legislation and as an amendment to other legislation?

a. Support as stand-alone legislation

b. Oppose as stand-alone legislation

c. Support as an amendment

d. Oppose as an amendment



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6) Please add any additional comments here or attach an additional page.

Name:

JASON WARO

Date:

4/20/12

Party:

Democratic

Office Being Sought:

US House

Signature: