

February 5, 2020

Speaker Nancy Pelosi
United States House of Representatives

Leader Kevin McCarthy
United States House of Representatives

Dear Speaker Pelosi and Leader McCarthy:

We write in opposition to H.R. 2474, the Protecting the Right to Organize Act. SHRM supports balanced labor-management relations and recognizes the inherent rights of employees to form, join, assist or refrain from joining a labor organization. Yet, in the pursuit of expedience for union organizing, H.R. 2474 proposes policy changes that disrupt labor-management relations while egregiously impacting the HR profession.

In particular, SHRM is concerned with the following provisions of the bill:

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.

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."

Shortened 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. Therefore, SHRM urges you to oppose H.R. 2474.

Sincerely,



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



Emily M. Dickens
Corporate Secretary and Chief of Staff
Head, Government Affairs

CC: Members of the U.S. House of Representatives