



we wearSM our mission

June 14, 2012

The Honorable Daniel K. Inouye
Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Chairman Inouye,

On behalf of the American Apparel & Footwear Association – the national trade association of the apparel and footwear industries – I am writing to encourage you to approve the amendments being offered today on the Fiscal Year 2013 Labor, Health and Human Services, and Education, and Related Agency Appropriations Bill by Senator Lindsey Graham of South Carolina. The three amendments would overturn recent harmful decisions issued by the National Labor Relations Board (NLRB) and will protect both employee and employer at this critical time in our nation's economy.

The first proposed amendment will prohibit the use of funds from the relevant appropriations bill to promulgate, administer, enforce, or otherwise implement the Representation-Case Procedures, published at 76 Fed. Reg. 80138 (December 22, 2011), unless such procedures are modified to guarantee procedural due process rights for all parties prior to the election. In the aforementioned procedures, the NLRB sought to significantly reduce the time in which an election for union representation may be held, denying employers the opportunity to speak to their employees before an election and preventing employees from being able to make an informed decision. Senator Graham's proposed amendment would guarantee a 30 – day interval between the date on which an election is announced and date in which it is held, thus upholding the due process rights of all parties involved.

The second proposed amendment prohibits the use of funds for litigation against any State on behalf of the NLRB pertaining to secret ballot elections. The only way to ensure American workers can maintain privacy, power, and a free choice when voting on union representation is through secret ballot. Efforts over the past few years to eliminate the secret ballot would force workers to make their votes public in fear of intimidation or retaliation and cause instability in the workplace. The proposed amendment would prevent the NLRB from using the funds from this bill to further the agenda of big labor at the expense of workers.

Last, but no less significant, is an amendment to prohibit the use of funds to implement, create, apply, or enforce certain standards for initial bargaining unit determinations governed by the NLRB. In 2011, the NLRB made an attempt to change the standard for determining what constitutes an appropriate bargaining unit.

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The move would encourage the creation of micro-unions in virtually all businesses by allowing labor unions to cherry pick certain departments or groups of employees within a company which may be organized as a union, rather than being required to have an election including all employees. The proposed amendment will maintain the established ideas of bargaining units, so that all employees will be afforded the right to vote for union representation in their workplace and employers will be able to get back to work strengthening our nation's economy through their businesses rather than being tasked with constantly micro-managing micro-unions.

The apparel and footwear industry employs nearly four million American workers, making up approximately three percent of the entire U.S. workforce. For this reason, AAFA takes labor issues very seriously and lauds Senator Graham for his initiative and leadership in taking on these important issues, as they affect American businesses in not only the apparel and footwear industry but in all industries. In an environment where, the most consistent request to Congress is the creation of jobs, it is imperative that you pass these amendments that will serve to do just that, while, at the same time, protecting the rights of both employers and employees.

Thank you for your time and consideration in this matter. If you have any questions or would like additional information please feel free to contact me or Marie D'Avignon of my staff at 703-797-9038 or mdavignon@wewear.org.

Sincerely,

A handwritten signature in cursive script that reads "Kevin M. Burke". The signature is written in black ink and is positioned below the word "Sincerely,".

Kevin M. Burke
President & CEO
American Apparel and Footwear Association