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Rep. George Miller (D-CA) Opening Statement

WASHINGTON, D.C. – Below are the prepared opening remarks of U.S. Rep. George Miller (D-CA), the senior Democrat of the House Education and the Workforce Committee, for the hearing on the National Labor Relations Board.

The committee meets this morning for yet another partisan hearing on the National Labor Relations Board. This is the fourth such hearing on this relatively small agency that enforces Americans' labor rights.

This hearing follows floor action on a bill to protect corporations that unlawfully outsource American jobs in retaliation against workers exercising their rights. By giving law breakers a free pass, this bill also disadvantages employers who play by the rules.

Mr. Chairman, I just wish this House would put half as much effort into addressing America's top concern of jobs and the economy. As I wrote you nearly two weeks ago, President Obama proposed a number of specific and historically bipartisan initiatives to get America back to work. And a number of these proposals fall within this committee's jurisdiction.

For instance, we should be exploring the need for school repair and modernization funding, new ideas on job training, or looking into how massive layoffs of teachers are impacting our nation's schoolchildren.

Instead, we are meeting to retread the majority's attacks on the National Labor Relations Board.

Listening to some of the rhetoric coming from the other side, you would think that the Obama administration has cried havoc and let slip the dogs of war against the American way of life.

Nothing of this sort is remotely occurring. This rhetoric is entirely overblown and often downright misleading. It is dangerous and irresponsible, and appears to be part of a cynical effort to avoid taking action on jobs.

Let's be frank. A great deal of money is being made by using the National Labor Relations Board as a political whipping post. And a great deal of money is being made off of needlessly frightening employers and the American people.

This has to stop. And stop now.

This campaign does nothing to create jobs. Rather, it merely sows fear and false doubt among employers whose biggest problem right now is lack of demand, not the 1935 Wagner Act.

But since we are here, let's address a few issues raised by the majority. Any sober look at recent proposals and decisions made by the NLRB would conclude that they have been modest and address real-world problems.

One case overturned the controversial Bush-era *Dana* decision, which itself overturned decades of precedent that gave bargaining relationships a chance to succeed following voluntary union recognition before entertaining decertification petitions. This decision is not radical. It is entirely consistent with the law's goal of encouraging collective bargaining and stable labor relations.

Another decision appropriately ruled that certified nursing assistants can be considered a bargaining unit by themselves like any other profession. The *Specialty* decision applies the same traditional "community of interest" test in non-acute health care facilities as is generally used in other workplaces. The decision borrows from a recent D.C. Court of Appeals opinion authored by a Republican judge.

Applying the law equally to nursing assistants as every other American worker is hardly radical.

Likewise, many corporate special interests have objected to the Board's decisions that uphold workers' basic First Amendment right to free speech. A worker shouldn't have to give up his or her First Amendment right when they peacefully hold up a banner or pass out leaflets outside of a workplace.

And despite the overblown title of this hearing, the current Board has issued a number of decisions unfavorable to organized labor. Both unions and employers have won before the current Board.

Finally, the NLRB has issued a requirement that businesses post a free notice in the workplace outlining the basic rights and responsibilities of both workers and employers under the National Labor Relations Act.

The poster is balanced and clearly states that workers have the right:

- To form, join, and assist a union;
- to bargain collectively;
- to strike and picket; and
- to engage in -- or refrain from -- other protected activity.

The notice also makes it clear that workers have the right not to join a union or engage in any of these activities.

Clearly, too many workers don't know their rights. And it is obvious that neither do many employers if you read some of the statements received during the public comment period on this rule. One employer wrote that "belonging to a union is a privilege and a preference—not a right." Another commented that "if a person so desires to be employed by a union company, they should take their [expletive] to a union company and apply for a union job."

These comments make clear why it's important that the protections written into law shouldn't remain a secret. In addition to informing employees of their rights, the notice may have the beneficial side effect of informing employers – and perhaps some members of Congress – about the law.

In conclusion, this Committee should be doing whatever it can to grow and strengthen our nation's middle class. Because we know that when working families are doing well, the country is strong.

But you don't strengthen the middle class if you fear America's workers and their right to organize. You don't strengthen the middle class if you pass bills to make it easier to outsource their jobs. And, you don't help working families when you ignore our nation's jobs crisis.

Mr. Chairman, there is still time to get the Committee back on track with the American people's agenda. But that time is running short.

I yield back.

<http://democrats.edworkforce.house.gov>