

# INTERNATIONAL BROTHERHOOD OF TEAMSTERS

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July 12, 2016

The Honorable Harold Rogers  
Chairman  
Committee on Appropriations  
H-305 Capitol  
Washington, D.C. 20515

The Honorable Nita Lowey  
Ranking Member  
Committee on Appropriations  
H-305 Capitol  
Washington, D.C. 20515

Dear Chairman Rogers and Ranking Member Lowey:

On behalf of the 1.4 million members of the International Brotherhood of Teamsters, I am writing to express our strong opposition to the draft Fiscal Year 2017 Appropriations Bill for the Departments of Labor, Health and Human Services, Education, and Related Agencies (Labor-HHS) that the Committee will consider this week.

Inadequate funding in the bill before you endangers the safety and welfare of working men and women, and “short changes” the future of our children. The bill would undermine important worker rights by providing totally inadequate funds for the principal programs that protect the safety and health of America’s workers; guarantee the right of employees to organize and bargain collectively; enforce our nation’s wage and hour laws; and protect workers’ retirement security and equal opportunity rights. Particularly troubling are the steep cuts in funding and the restrictions placed on the National Labor Relations Board. These actions will severely impede the Board’s ability to fulfill its mission and to provide anything remotely resembling timely recourse for workers, and will strip millions of workers of existing protections that safeguard their right to organize and bargain collectively.

The bill fails to provide adequate resources for training and employment services, vitally important for workers who need assistance and training to enable them to find new employment and to support themselves and their families.

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The bill does not provide adequate resources to improve our children's schools. Further, the funding for student aid will prevent many families, including many of our members, from sending their children to college.

The Fiscal 2017 draft Labor-HHS bill includes numerous policy riders that would limit the ability of key federal agencies to carry out their vital missions, weaken worker protections and erode labor standards. We urge the Committee to oppose the riders highlighted below and to reject any other riders that may be offered that infringe on workers' rights. These pernicious riders include, but are not limited to:

### **The National Labor Relations Board (NLRB)**

***Joint Employer*** – The Teamsters Union opposes any rider to prevent the NLRB from modifying its rules for determining whether two or more employers are joint employers under the National Labor Relations Act. The bill would freeze the NLRB's rules in time and prevent the Board from adapting its rules to the modern workplace. It would reverse the Board's recent BFI/Leadpoint decision.

***Tribal Labor Sovereignty*** - The Teamsters Union opposes any rider that would deny protection under the National Labor Relations Act to the large number of workers employed by tribally owned and operated enterprises located on Indian land. Tribal casino enterprises alone employ over 600,000 workers, the vast majority of whom are not Native Americans. This provision would strip all workers in the many tribal commercial enterprises of their rights and protections under the National Labor Relations Act.

***Prohibit Implementation of Election Rule*** - The Teamsters Union opposes any rider that would prohibit the NLRB from using any funds to implement its December 2014 rules to streamline and eliminate unnecessary delay in the NLRB's election representation procedures. The rules, which took effect on April 14, 2015, make modest improvements to the representation election system and minimize unnecessary litigation that delays elections.

***NLRB Bargaining Unit Standard*** - The Teamsters Union opposes any rider preventing the NLRB from applying its usual and longstanding community of interest test for determining appropriate bargaining units as set out in its Specialty Healthcare decision.

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The *Specialty Healthcare* decision and its articulation of the community of interest test have been upheld by every court of appeals that has reviewed it. Since *Specialty Healthcare* was issued in 2011, the average size of bargaining units has changed little, which undermines claims about the growth of “micro-unions.”

### **Department of Labor (DOL)**

***DOL Overtime Exemptions*** – The Teamsters Union opposes any rider to weaken DOL’s final rule raising the salary threshold below which most workers are eligible for overtime pay from \$23,660 to \$47,476. The DOL overtime update restores workers’ access to protections that have been lost because of the erosion of the value of the initial overtime salary threshold over the decades.

***Fair Pay & Safe Workplaces Executive Order*** – The Teamsters Union opposes provisions that would prohibit DOL from implementing the executive order on fair pay and safe workplaces to crack down on federal contractors that violate labor laws.

***OSHA Silica Standard*** – The Teamsters Union opposes any rider that would block implementation or enforcement of OSHA’s new silica standard -- nearly twenty years in the making -- which will protect the health and well-being of more than 2 million workers.

***Injury Reporting/Anti-Retaliation*** – The Teamsters Union opposes any rider to block implementation of OSHA’s new injury reporting rule. This rule will help OSHA to focus on the most hazardous workplaces, ensure workers can report injuries without fear of retaliation, and assist in workplace injury prevention efforts.

***OSHA Inspection Walk-around*** - The Teamsters Union opposes any rider to bar workers from designating a representative to participate in OSHA inspections on their behalf “except in accordance with applicable laws and regulations and by a vote of approval of the employees of the affected worksite.” The provision would strip most workers of their legal right under the Occupational Safety and Health Act to have “a representative authorized by employees accompanies the Secretary or his authorized representative during the physical inspection of any workplace.” The language appears to require workers represented by a union to have a separate vote to designate an inspection walk-around representative.



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***Persuader Rule*** – The Teamsters Union opposes any rider that would block DOL’s implementation of the Persuader Rule which closes a loophole that has permitted some employers to avoid disclosing payments to management consultants or firms to persuade employees in favor of or against forming a union, as required by the LMRDA. This rule will result in greater transparency and help level the playing field for workers who want to advocate for better pay and benefits, improved working conditions, and safety on the job.

***DOL Fiduciary Rule*** – The Teamsters Union also opposes any rider that impedes DOL’s final rule to help ensure working people saving for retirement are receiving investment advice that aligns with their best interest.

***Minimum Wage for Contractors*** - The Teamsters Union opposes any rider to prohibit the Department of Labor from enforcing the minimum wage requirement for federal contractors established through executive order and regulations as they pertain to seasonal recreational services employees, depriving minimum wage and overtime protections to low-wage seasonal workers who need the additional income and protections provided by the regulations.

The draft Labor-HHS bill does not provide adequate funding for programs that serve millions of working men and women. It contains numerous harmful and pernicious anti-workers riders. The Teamsters Union urges you to reject this legislation. Rather, we ask that you support a bill that provides adequate funding for programs to protect workers and a bill free of anti-worker riders.

Sincerely,

  
James P. Hoffa  
General President