



417 Walnut Street
Harrisburg, PA 17101-1902
717 255-3252 / 800 225-7224
FAX 717 230-8733
www.pachamber.org

September 20, 2011

Andrew R. Davis
Chief of the Division of Interpretations and Standards
Office of Labor-Management Standards
U.S. Department of Labor
200 Constitution Avenue, NW
Room N-5609
Washington, DC 20210

**RE: Notice of Proposed Rulemaking, Labor-Management Reporting and Disclosure Act:
Interpretation of the Advice Exemption; RIN: 1245-AA03**

Dear Mr. Davis:

On behalf of the thousands of employers represented by the Pennsylvania Chamber of Business and Industry, I write to you to express our strong opposition to the above referenced proposed rulemaking. The Pennsylvania Chamber is the largest, broad-based business advocacy association in the Commonwealth. Our members represent nearly fifty percent of the private workforce and cross all industry sectors.

This proposed rule adopts an interpretation of the word "advice" as is used in the LMRDA that is far narrower than the plain meaning of the word allows and inconsistent with the intent of Congress. The rule will limit the ability of employers to obtain needed legal advice to safely exercise their right to express their views on unionization to their employees. It will, as a result, limit the ability of employees to make a free, informed and un-coerced choice for or against the union. In addition, the rule will impose an increased regulatory burden on business when employers can least afford it.

If implemented, the rule will burden the First Amendment right of employers to non-coercively express their views on the question of union representation – a right expressly protected by the NLRA. To the extent it unnecessarily burdens an employer's right to express its views on unionization, the proposed rule interferes with the right of employees under Section 7 of the NLRA to hear their employer's views and make a free and informed choice for or against unionization.

In addition to substantially narrowing the advice exemption, the proposal includes new and onerous reporting requirements. The rule requires employers to report internal costs, including wages paid, for any internal matter that has the potential to persuade employees regarding union representation. This will include anything from planning and hosting an employee meeting to preparing an employee handbook. The standard proposed is so broad and vague; it could include most of what an employer does with its employees during a union organizing campaign.

The Pennsylvania Chamber is unaware of any reasonable need that is based on sound public policy for such a drastic change in the law. DoL's reach in this matter is very concerning to our membership and is viewed as an effort to enhance union power by burdening the free speech rights of employers by requiring public disclosure of privileged relationships and communications. As our economy continues to be stagnate and business owners face mounting economic difficulties, it makes little sense to increase their regulatory burden.

Thank you for your consideration of this letter. For all of these reasons, I respectfully urge the Department to withdraw its proposal.

Sincerely,

A handwritten signature in cursive script that reads "Floyd Warner".

Floyd Warner
President