



July 11, 2011

The Honorable Wilma Liebman
Chairman
National Labor Relations Board
1099 14th St, NW
Washington, DC 20570

Dear Chairman Liebman,

On behalf of the National Small Business Association, I urge you to extend and expand the period for public comment and hearings regarding the NLRB's recent proposed rule changes on the elections process. A rule of this magnitude requires more time than what originally was outlined in order to allow for a fair and equitable process—a key component of which is input from the millions of small-business stakeholder across the country. While NSBA believes the rule itself stands to dramatically tilt the elections process against our small-business members, the process itself is of great concern.

First, a single public hearing scheduled for July 18—in the midst of many people's summer vacations no less—is insufficient if the Board truly wants to hear from a variety of stakeholders. Compounding matters, the announcement on June 27 that interested parties must notify the board by July 1, a mere five days later, simply wasn't enough time.

Second, the comment period is far too short to enable small-business stakeholders a fair opportunity to read, consider and comment on such a sweeping rule change. Published June 22, the Notice of Proposed Rulemaking would only give small businesses 60 days.

Small-business owners rarely have attorneys or labor specialists on staff, and when it comes to regulatory changes it is either the business owner him/herself who must then become a regulatory expert, or he/she must hire outside help. In this economy, neither option is workable for already time- and cash-strapped small-business owners. The only fair way to proceed on this rule is two-fold: delay the July 18 hearing and making a commitment to hold more than one hearing; and extend the comment period.

Putting such a sweeping change in place under such an unusual and questionable process sends a strong message to small businesses that their needs are inconsequential. Despite our opposition to legislation such as the Employee Free Choice Act, we acknowledge that there are always going to be differences in opinion, but those differences shouldn't be manifested in the form of an unfair process that limits open and honest discourse.

NSBA remains committed representing the interests of America's small-business owners and I hope that the NLRB will commit to hearing openly those interests.

Sincerely,

A handwritten signature in black ink, appearing to read "Todd McCracken", with a long horizontal flourish extending to the right.

Todd McCracken
NSBA President and CEO

Cc: The Honorable Tom Harkin
The Honorable Michael Enzi