

Statement of Rebecca A. Meinking, Executive Vice
President, Radec Corporation, 100 Rockwood Street,
Rochester, NY 14610

Chairman Jordan, Vice Chairman Buerkle, Ranking Member Kucinich, other
Subcommittee members:

Good morning and thank you for the opportunity to testify before you today. In the
interest of time, I request that my full written testimony be included in the hearing record.

My name is Rebecca Meinking. I am Executive Vice President of the Radec
Corporation, based here in Rochester, NY. Radec Corporation is a full service
residential, commercial, and industrial electrical contractor. We perform between 10 and
12 million dollars in electrical work annually. We have been in business for nearly 35
years as a family-owned business, recently passed from the founding generation to the
next. At our high, we employed approximately 80 local people. In the last several years,
besieged like every other construction business by the struggling economy, higher
construction material costs, and ever increasing regulatory burdens that do little more
than increase our overall costs to do business, we have been forced to cut back our
workforce by nearly 30%.

I also appear before you today as a member of Associated Builders and Contractors
(ABC), which represents 23,000 merit shop construction contractors like us nationwide,
and here in NY, just over 500. ABC's membership is bound by a shared commitment to
the *merit shop philosophy*—based on the core principle that a free market economy where
government regulation is kept to a minimum provides the sturdiest foundation for job
creation and economic strength and vitality for ALL of us.

I appreciate the opportunity to briefly share with you some of the regulatory impediments

at the federal level that have and will continue to erode our ability as a small business to contribute to the growth of a stronger economy if they are not addressed. In the interest of time, I request that my full written statement be included in the hearing record. That full written statement offers numerous impediments in a detailed fashion. I will focus on the three most onerous issues that my company in particular believes MUST be addressed if construction businesses here in NY are to be the job creators that our struggling economy so desperately needs.

Executive Order 13502, signed by President Obama in February 2009, and the subsequent Federal Acquisition Regulatory (FAR) Council rulemaking implementing that Executive Order, strongly encourages federal agencies to require project labor agreements (PLAs) on federal construction projects exceeding \$25 million. As a construction industry employer, my ability to maintain and grow employment opportunities within my company is contingent on all construction companies, both union and merit shop, having an equal opportunity to perform work on construction projects financed with taxpayer dollars. Executive Order 13502 does exactly the opposite. As an open shop contractor, Radec Corporation cannot and will not consider working under the terms of a PLA for two main reasons. First, a PLA requires that we as a company ignore our own highly skilled local workforce and instead employ workers from the union hall or workers that in our particular case, come from the very union who is engaged day in and day out in trying to either unionize our company or put us out of business. As a small business, our employees are really part of our extended family, and we can see no reason to take away from them an opportunity to work and provide for their families in order to provide opportunities for their union counterparts. It forces us to discriminate against our own workers, and that is just plain wrong and we won't do it. What right does a government entity have to tell us as a business what workforce we can and can't employ on a project? Second, as an open shop contractor, if I work under a PLA, I must force the few workers that I am allowed to employ from my own workforce to pay union dues and essentially "join" the union for the duration of that particular project. Radec Corporation employees have FREELY decided that union representation is not in their best interest. So a PLA is a losing proposition for them, and we value and respect them too much to force that on them. So, our only option as a company is to avoid working on PLA projects. Our tax dollars, and the tax dollars of our employees, pay for these projects, but simply because we as

a company and our individual workers choose to work in an environment where we communicate directly with one another and we value productivity and performance over seniority, our government takes away our opportunity to work. PLAs discriminate against hundreds of legitimate local businesses and local construction workers, and are a significant obstacle in our efforts to even maintain our current workforce let alone grow that workforce. PLAs are nothing more than bid rigging mechanisms that favor big labor over their open shop counterparts and ultimately stymie job growth opportunities in the construction industry as a whole. That coupled with the fact that they deny taxpayers the accountability that they deserve on public construction projects should be reason enough for Congress to expedite passage of H.R. 73, The Government Neutrality in Contracting Act which would prohibit PLAs on taxpayer funded projects, ensuring equal opportunity for ALL employers in the construction industry to fairly compete for federally funded construction work opportunities for their employees. I'd like to thank Vice Chairman Ann Marie Buerkle for recognizing the importance of this legislation in strengthening our overall economy and co-sponsoring the bill. And I would strongly encourage both the House and the Senate to pass it IMMEDIATELY.

I am also gravely concerned about National Labor Relations Board(NLRB) recently issued rulings and pursued rulemakings that would vastly change, in a way that would be detrimental to open shop construction companies like mine, how American workplaces will function from a labor perspective. One of these new rulings would require employers like me that allow charitable, well-meaning organizations onto the work premises to promote their noble causes to provide the same access to union agents, even where the union's intent is not to organize, but simply to disrupt business operations by trying to turn away customers through boycotts and similar activities. Other contemplated rulings would change 50 years of established practice dealing with what constitutes a bargaining unit and require business owners to provide union organizers with the names and email addresses of their employees. The Board also recently issued a Notice of Proposed Rulemaking (NPRM) that would require employers like me covered by the NLRA to post a notice outlining employees' rights to organize and bargain collectively. Their proposed poster contains an INCOMPLETE list of rights, failing to point out to employees that in addition to their right to organize, they also have a right to NOT form, join, or assist labor organizations, bargain collectively, or engage in other concerted activity.

As an open shop contractor, my company believes that every crafts-person should have the freedom to choose whether or not to join a labor organization, and that every contractor should be able to bid work competitively and work with any firm, regardless of labor affiliation or artificial work restrictions. We believe that all our workers should be compensated based on

their performance and value to our Company and our Company's value to our clients. This is how our Company AND our employees have prospered over decades. The growth and personal achievement we have experienced at the Radec Corporation over the years is the result of company management and employees working together in a spirit of cooperation and teamwork that has enabled us to meet many difficult challenges. The progress that has been achieved reflects this strong mutual commitment between the Company and our employees. We do not and will not discriminate against any of our employees or applicants based upon support for unions or lack thereof. However, we prefer to work with our employees informally, personally, and directly, rather than through third party outsiders intervening between us. We are proud that our employees have chosen to make us a union free employer. We are firmly committed to maintaining that business model because it is key to our continued prosperity and our continued ability to create jobs. I urge Congress to look for opportunities to curtail the NLRB's blatant and downright biased undermining of our ability to run our business in a way that allows us to grow our company AND provide opportunities for both current and prospective employees to grow professionally and prosper individually.

Lastly, the Occupational Safety and Health Administration (OSHA) under the Obama Administration has very publicly advertised its new enforcement perspective that solely focuses on finding worksite violations and issuing substantial fines (revenue generation) instead of working collaboratively with employers like me to promote safe working conditions as they have done in the past. This has become abundantly clear in the construction industry perhaps more than any other industry. This new more punitive approach is yet another costly burden on businesses like mine and creates a level of financial uncertainty that again impedes our ability to grow and prosper as a company. Under current OSHA regulations, only employers are penalized when a safety violation occurs. I can assure you that my company places utmost importance on returning each and every one of our employees to their families safely each and every day. We take safety very, very seriously, as we should. But our employees must also assume a level of responsibility for their own safety and well-being, and the safety and well-being of their fellow employees. Creating OSHA programs that seek to collaborate and partner with employers to insure both employer AND employee responsibility where safety is concerned, as opposed to a solely punitive approach that seeks to financially cripple businesses to coerce safety would ultimately achieve safer workplaces across the board. I urge Congress to find opportunities to encourage OSHA to abandon its punitive enforcement approach and instead consider collaborative ways to partner with employers and employees to promote safer workplaces in the construction industry specifically.

Mr. Chairman, this concludes my formal remarks. Again, I thank you for the opportunity to share very specific challenges that my company, and many open shop contractors like me, must overcome in order to again become the job creators that our struggling economy so desperately needs right now.

I am prepared at this time to answer any questions that you may have.

Rebecca Meinking
Executive Vice President
Radec Corporation

Rebecca Meinking is currently Executive Vice President at the Radec Corporation, commercial/industrial electrical contractors here in the Rochester, NY area. In her position as Executive Vice President, Rebecca is responsible for overseeing the human resource/labor relations/legal compliance aspects of the company, in addition to developing and nurturing strategic alliances locally and statewide to promote the company and its involvement in the community as a whole. Prior to her current position at Radec, Rebecca served over a decade as the Chapter President for the Empire State Chapter of Associated Builders & Contractors (ABC), a national trade association representing merit shop contractors and advocating for the principles of free enterprise and open competition in the construction industry. In that role, Rebecca witnessed first hand the negative impact that burdensome and often biased government regulations at all levels of government can have on the ability of a construction company to maintain and grow its business and its positive economic impact on the community in which it works. Early in her career, Rebecca served on the staff of former US Senator William S. Cohen from the State of Maine as a legislative assistant and a speechwriter. She is a summa cum laude graduate of the University of Maine with a B.A. in Political Science and International Affairs.