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Subject: ACTION ALERT: Massive Union Overreach Taking Effect July 1

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SC Businesses: The Obama Administration's DOL Pushes to Give Unions Access to Your Legal Information

A Memo to The South Carolina Business Community
From: Ted Pitts, SC Chamber of Commerce CEO
June 28, 2016

Dear Members,

Yesterday, lower courts in Texas momentarily halted the latest efforts by the Obama Administration to give unions an advantage over businesses. The proposed Department of Labor rule not only destroys businesses' client-attorney privilege, **but gives unions full insight into how businesses are preparing to defend themselves against attempts to be unionized.**

At a U.S. House of Representatives Subcommittee hearing in April, the former president of the ABA summed up many businesses fears: **"The employers most affected will be the many, many small businesses that provide the largest share of jobs in the United States.** Large corporations may be able to turn to their in-house legal departments for legal advice on labor relations issues... Small businesses, on the other hand, will have no such option ... In short, **the right of small business to receive confidential legal advice on labor relations matters will be gone.**"

Under this proposed DOL "persuader rule", any company who [after July 1, 2016] retains an attorney or labor consultant for advice and consultation to help defend themselves against attempts to be unionized **will then be subject to reporting to the federal government** that will help those same unions see how businesses plan to avoid being unionized.

This new rule will erode client-attorney confidentiality in the labor law setting, and may severely diminish the ability of South Carolina small businesses to

confidential legal advice on union avoidance matters.

The Department of Labor has indicated that as it currently interprets the proposed rule, if **your business formally retains labor consultants or attorneys before July 1, 2016, this rule would not apply to that retention arrangement or fees paid under it.**

The South Carolina Chamber of Commerce strongly opposes this rule and supports efforts at the federal level to stop the rule in court. You are encouraged to contact your labor attorney. If you need additional information, please do not hesitate to contact us. We will be glad to provide any information that may help you navigate this new executive ruling.

Sincerely, Ted Pitts CEO
South Carolina Chamber of Commerce

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