

Testimony
of
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On behalf of the
Independent Electrical Contractors

Before the
United States House of Representatives
Committee on Education and the Workforce
Subcommittee on
Health, Employment, Labor, and Pensions

Hearing on
“Protecting Employees’ Rights: Ensuring Fair Elections at the NLRB”

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Independent Electrical
Contractors

Chairman Good, Ranking Member DeSaulnier, and Members of the Subcommittee, it's my privilege to testify before you at today's hearing, "Protecting Employees' Rights: Ensuring Fair Elections at the NLRB."

My name is Cecil Leedy. I am the Founder of LEW Electrical Services, LLC, a small electrical contractor based in Tampa, Florida that specializes in electrical and generator service, maintenance, testing, and construction for commercial and industrial customers. I'm here today on behalf of the Independent Electrical Contractors (IEC) as the 2023 National President, and my local chapter, IEC Florida West Coast, based in Clearwater, Florida.

The Independent Electrical Contractors is an association of 52 chapters, representing over 3,000 electrical contractors nationwide. While IEC membership includes many of the top 20 largest firms in the country, most of our members are considered small businesses. Our purpose is to establish a competitive environment for the merit shop – a philosophy that promotes free enterprise, open competition, and economic opportunity for all. IEC and its chapter partners administer apprenticeship programs under standards approved by the U.S. Department of Labor's Office of Apprenticeship and their respective state apprenticeship agencies. Collectively, in the 2023 school year, IEC will educate more than 16,000 electrical apprentices.

Before telling you how the proposed policies being considered by the National Labor Relations Board (NLRB) may negatively impact the merit shop electrical contracting industry, I first want to tell you my story and that of LEW Electrical Services. I started my childhood near Pittsburgh, Pennsylvania. My grandfather and father were both proud union coal miners. Eventually, my family relocated to Florida and my father ultimately started his own electrical contracting business. After completing my degree at The Citadel, my father needed help with the family business, and I returned home. Under his tutelage, I learned the craft of an electrician and the business was eventually passed along to me in 1989, which I ran until my recent retirement in 2022. LEW Electrical Services remains in my family, having passed it on to my two sons, for whom I now work as a consultant.

Our small business is made up of approximately 30 employees comprised of electricians, foremen, project managers and estimators. We are fervent believers in the apprenticeship model for our electricians, who "earn while they learn", and graduate in four years with no debt. I can proudly say my two sons are both graduates of the IEC Florida West Coast chapter apprenticeship program. We have found that graduates of the IEC apprenticeship program are first-rate electricians that have instilled in them the highest regard for quality and safety.

As a family-owned electrical firm that's been in business for nearly 50 years, we've come to understand that our employees are precious and should be treated like family. Consequently, we offer our employees the opportunity to advance to more senior positions and provide a flexible work environment to tend to their personal and family needs as they arise. Ask any of our employees and they will tell you how we bend over backwards for them to help when they need to take time to tend to obligations outside of work. In addition to competitive pay, we offer an array of benefits, to include paid leave, insurance, retirement that includes matching contributions, and for many, a company vehicle. For these reasons, we've had many employees stay with us for over a decade, only leaving to start their own small business.

My reason for speaking to you today is IEC is deeply concerned about the efforts by the NLRB to impose policies that would restrict the ability of merit shop electrical contractors like mine from being able to have open conversations with their employees about the prospects of joining a union or voting to be represented by one. Communication with employees is critical in any business, especially small merit shop contractors. Without the ability to communicate on a wide variety of issues at any one time, our small business could not have enjoyed the success it has had over the last 50 years. Merit shop electrical firms have daily conversations with employees about safety, customer service or ways to improve their operation, and mine is no exception. Sometimes included in these conversations we will discuss issues as they relate to the merit shop philosophy when compared to the union model. We take the time to explain to our employees about the merit shop and what it means to their career within the company and the industry. We talk about the opportunities that merit shop contractors offer their employees to progress in their career based on the quality of their work and the potential to quickly advance in the industry as it aligns with their career aspirations. Whether that means taking on additional responsibility to mentor or oversee apprentices, or advance into the position of foreman, estimator, or project manager, they have the ability to progress in their careers as they desire.

Unfortunately, the NLRB is seeking to pursue policies that would limit the ability of merit shop contractors to maintain this level of open communication, as protected by the first amendment of the Constitution. Seeking to limit the ability of merit shop contractors to provide their perspective and their side of the story to their workforce flies in the face of common sense. When confronted with the question of what it means to be an electrician within a union or merit shop setting, employees should naturally have access to the pros and cons of each in order to assess what's best for them. IEC takes issue with the notion that businesses should somehow not be permitted to engage in this conversation with those they employ.

IEC also has concerns with the NLRB seeking to implement policies leading to the elimination of the secret ballot election for the purposes of determining whether a workforce chooses to be represented by a union. We adamantly believe in the freedom of our electricians to decide for themselves which career path is best for them. However, should employees want to consider union representation, we believe they have the right to decide this within the confines of the secret ballot process, free from coercion and intimidation. The secret ballot is the hallmark of our democracy, through which important decisions are made without undue influence from others. The same should be the case for workers choosing between union representation and the merit shop. Such a choice should be made through a private ballot, where no one person or entity is in a position to know or influence an employee's decision.

In conclusion, IEC urges Congress to consider the negative consequences the policies the NLRB is pursuing would have on businesses and the communities they serve. We hope the NLRB abandons its efforts to both limit employer speech and eliminate the secret ballot for union elections so companies like mine can continue to provide the kind of quality services and well-paying jobs it has for 50 years. Thank you and I look forward to answering any questions you may have.