

# NASCO

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## **NASCO Position Paper: Re-Employment of Skilled and Professional Employees and Construction Tradeworkers (RESPECT) Act**

The RESPECT Act significantly changes the sixty year old definition of a "supervisor" in Section 2(11) of the NLRA. The bill eliminates from the definitional duties of a supervisor the authority to "assign" and "responsibility to direct" other employees on behalf of an employer. It would also dictate that an employee cannot be classified as a "supervisor" unless he/she engages in supervisory duties "for a majority of the individual's work time."

The result of the RESPECT Act will be to turn millions of supervisors currently acting on behalf of management into employees subject to union organizing. This dramatic change would upend the long-established balance between labor and management in the workplace where individuals who possess supervisory authority over other workers owe allegiance to management and the company, not labor unions.

NASCO strongly opposes the RESPECT Act. Assigning tasks and having responsibility to direct staff are inherently supervisory duties. In order to for a company to run effectively, it needs supervisors who will make such decisions based solely on efficiency and merit and the company's best interest. Bringing internal union politics into business decisions by including supervisors in bargaining units would impede business productivity.

In addition, the bill's requirement that to be classified as a supervisor an employee must be engaged in supervisory duties for a "majority of the individual's work time" is both arbitrary and wrongheaded. While supervisors do often perform other tasks in addition to their supervisory responsibilities, the current definition of supervisor, as reinforced in NLRB and court decisions, properly and carefully defines a worker as a supervisor based on the qualitative exercise of supervisory authority by that employee.