

The Honorable

Re: Opposition of H.R. 842, the Protecting the Right to Organize Act of 2021 (PRO Act)

Dear

As a member of the National Court Reporters Association, which represents more than 14,000 members nationwide, I am writing today to express my concerns over *H.R. 842, the Protecting the Right to Organize Act of 2021 (PRO Act)*. If enacted, this bill would amend the federal definition of “employee” within *the National Labor Relations Act (NLRA)*. As a result of the amendment, freelance court reporters, captioners, legal videographers, and associated professionals could be required to provide substantive evidence that they are working as independent contractors to prevent themselves from being reclassified as employees, even though they have been independent contractors for decades. Passage of this amendment would restrict independent contracting and would detrimentally affect the livelihood of freelancers, who act as guardians of the record and who choose to work independently.

While we appreciate the intent of this legislation and the workplace protections it seeks to provide, we believe that enacting it would negatively impact the freelance court reporting, captioning, and legal videographer professions. Specifically, reclassification of freelance court reporters, captioners, and legal videographers as employees places an undue burden on freelance court reporting, captioning, and legal videography firms, and substantially limits their ability to conduct business throughout the United States. Moreover, the employee reclassification proposed by this bill may prevent freelance firms from hiring additional court reporters, captioners, or legal videographers, and may even result in layoffs, which would unnecessarily add to the shortage of those professions nationwide.

Similarly, we believe that a vote for *the PRO Act* would have negative consequences to the livelihood of freelancers throughout the United States. In particular, the passage of the bill would deny freelance court reporters, captioners, and legal videographers’ status as independent contractors, a classification status that they have freely chosen, which has allowed them to provide their high-demand services more easily and efficiently across state lines.

Lastly, it must be noted that this bill’s enactment would demonstrate Congress’s failure to protect professions that are integral to Congress itself, as well as federal and state court systems across the country. Court reporters, captioners, and legal videographers are passionate, hardworking protectors of the record, who take extraordinary measures to satisfy their legal obligations to their clients and to the justice system. Freelancers expect that Congress will also uphold its legal obligations by ensuring that freelance court reporters, captioners, legal videographers, and freelance firms retain their independent contractor status. If their status is reclassified, it will adversely affect freelancers’ ability to make a living and their ability to provide essential services throughout the United States.

I urge you to reconsider this bill, which would greatly harm the freelance court reporting, captioning, and legal videography community. Thank you for your time and for your attention to this matter.

Very Respectfully,