

Congress of the United States
Washington, DC 20515

August 3, 2021

Lauren McFerran
Chairman
National Labor Relations Board
1015 Half Street SE
Washington, DC 20515

Dear Chairman McFerran:

We write to express our concerns with the newly expanded outreach efforts of the National Labor Relations Board (NLRB).

We understand the important role the NLRB plays in protecting the rights of workers and employers. However, we are concerned that in an effort to inform people about the mission of the Agency, the NLRB is actively soliciting complaints against employers. The Agency has an obligation to protect both employers and employees and observe neutrality when enforcing the National Labor Relations Act.

Further, we are concerned that the Agency is hiring staff unnecessarily with the aim of soliciting complaints against employers. Former General Counsel Peter Robb repeatedly informed Congress that the level of complaints the NLRB received did not justify additional hiring. Further, falling case rates over the last several years prove General Counsel Robb's assertion that additional staff is not necessary. The NLRB reported in a press release that, "the number of cases pending before the Board is at its lowest level in over 40 years."¹ Additionally, Congress appropriately funded the NLRB over the past several fiscal years to reflect the reality that additional staff was not needed at the Agency.

In light of the aforementioned concerns, we request the following information:


1. All communications from Chairman McFerran, Acting General Counsel Peter Ohr, any member of their respective staffs, any member (detailee or full time employee) of the Office of Congressional Affairs between each other and with any outside entity relating to NLRB outreach efforts since January 20, 2021.
2. The number of charges the Agency has received since January 20, 2021.
 - a. The number of those charges that have been converted to complaints.

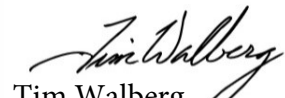
¹ <https://www.nlr.gov/news-outreach/news-story/nlr-closes-out-fy-2020-with-favorable-case-processing-results>

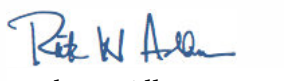
- i. The number of those complaints that have been filed against employers and the number that have been filed against unions.
3. Any communications between any employee of the NLRB and any outside business organization, union, business group or employer relating to the NLRB's outreach efforts.
4. The number of full time employees in both the regional offices and headquarters that have been hired by the NLRB since you became chairman on January 20, 2021.


Please submit this information to our offices no later than August 24, 2021. Thank you for your prompt attention to this matter.

Sincerely,


Scott Fitzgerald
Member of Congress


Tim Walberg
Member of Congress


Rick W. Allen
Member of Congress


Russ Fulcher
Member of Congress