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October 27, 2011

The Honorable Mark G. Pearce
Chairman
National Labor Relations Board
1099 14th Street, N.W.
Washington, D.C. 20570

Dear Chairman Pearce:

On June 22, 2011, the National Labor Relations Board (NLRB) published a proposed regulation that could substantially shorten the time between the filing of the petition for an election and the election and limit the opportunity for a full evidentiary hearing or Board review of contested issues, including the composition of the bargaining unit.¹ At the close of the comment period, more than 65,000 public submissions had been received on the proposed rule.²

Like many of the commenters, I reject both the need for this rule change and the appropriateness of the Board's proposal. As such, I introduced H.R. 3094, the *Workforce Democracy and Fairness Act*, which would restore the Board's representational election procedures, as a way to ensure employer free speech and employee free choice.

To better understand the process and timeline for the issuance of the final rule, please provide the following no later than November 10, 2011:

1. A summary of the Board's traditional process for issuance of a rule, including the procedure and timetable for drafting majority and dissent opinions. If the process is set by statute, directives, rules, regulations, or procedures, please cite and provide the materials.
2. Identify what stage the Board is currently in the drafting process of the final rule.
3. A timeline of past and planned Board actions regarding the rulemaking from publication of the proposed regulation to effective date of the final rule, including the date on which the

¹ 76 FR 36812.

² Regulations.gov, NLRB-2011-0002, RIN 3142-AA08, available at <http://www.regulations.gov/#!docketDetail;ct=FR%252BPR%252BN%252BO%252BSR;rpp=10;po=0;D=NLRB-2011-0002> (last visited 10/27/11).

majority plans to provide the rule to the minority member and publish the final rule in the *Federal Register*.

4. A list of NLRB staff who were or are currently working on the final rule, include the dates of their participation and the work they are doing or did on the rule.
5. A list of NLRB staff who were previously or are currently reassigned or reallocated to work on the final rule, along with the office from which they were moved, their original duties, the dates of their participation, and the work they are doing on the rule.
6. Identify any limitation, statutory or otherwise, on staff allocation.
7. A monthly breakdown of decisions issued by the Board from January 2010 to October 2011.

If you have any questions regarding this request, please contact Marvin Kaplan, House Education and the Workforce Committee, at (202) 225-7101.

Sincerely,



JOHN KLINE
Chairman

cc: The Honorable George Miller, Senior Democratic Member, Education and the Workforce Committee

cc: The Honorable Brian Hayes, National Labor Relations Board Member

cc: Mr. Craig Becker, National Labor Relations Board Member

cc: Mr. Lafe Solomon, Acting National Labor Relations Board General Counsel