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May 31, 2026

The Honorable Crystal S. Carey
General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

Dear General Counsel Carey:

We write to request information about the National Labor Relations Board's (NLRB or the Agency) recent announcement on redistributing thousands of unfair labor practice (ULP) cases to different regional offices to purportedly address the existing backlog.¹

On May 6, the NLRB announced that it had "engaged in a bulk transfer of approximately 3,500 [ULP] cases" from eleven select regional offices to other regions across the country as part of the Agency's "Case Reallocation Initiative" (Initiative).² The affected cases supposedly only included those filed prior to January 7, 2026, and "where no Board Agent is currently assigned."³

In the announcement, you stated that "[t]hrough this strategic approach, the Agency will be able to implement the National Labor Relations Act more efficiently."⁴ While we share the objective of timely consideration and adjudication of ULP cases, we are concerned that the NLRB's Initiative may—contradictory to its purpose—only introduce unnecessary inefficiencies.

For instance, under this Initiative, regional staff will have to transfer a select case and notify the affected parties. Then, if the transferred ULP case is found to have merit by staff in a different regional office, the case will have to return to the originating region for in-person proceedings before an Administrative Law Judge (ALJ) as there is no remote option. Additionally, staff in the originating region will have to learn the facts of this case to argue before an ALJ, duplicating the work conducted by the regional staff that initially found merit.

¹ Press Release, Offc. Of Pub. Affrs., Nat'l. Lab. Rels. Brd., General Counsel Announces Case Reallocation Initiative to Tackle Historic Backlog (May 6, 2026), <https://www.nlr.gov/news-outreach/news-story/general-counsel-announces-case-reallocation-initiative-to-tackle-historic>.

² *Id.*

³ *Id.*

⁴ *Id.*

The NLRB is in the midst of a significant staffing crisis. The statistics are staggering: over the last 20 years, regional offices have lost 50 percent of their staff, while unfair labor practice and representation cases have increased over the last several years.⁵ In 2023, there was approximately one full-time NLRB employee for every 90,000 workers under its jurisdiction.⁶ These figures are not even factoring in the number of NLRB employees impacted by President Trump and billionaire Elon Musk's campaign to decimate the federal workforce.⁷ Currently, regional offices have only approximately three-quarters of the staff needed to manage the current caseload.⁸ At a time when the NLRB is severely under-resourced and understaffed, we urge you to act with caution and avoid creating redundancies and further straining the Agency's staff capacity.

For the above-stated reasons, and in keeping with the Committee's oversight responsibilities, we request your responses by no later than June 12th, 2026, to the following:

1. Provide the exact number of ULP cases that were transferred.
2. Provide a detailed description of the criteria used to determine which ULP cases in select regions were to be transferred (e.g., cases older than two years).
3. Provide the average and median age of the transferred ULP cases.
4. What is the average time from the filing of a ULP charge to a regional director's disposition? What is the NLRB's estimate of the average time from the filing of a ULP charge to a regional director's disposition for cases transferred under this Initiative?
5. Provide a detailed description of the criteria you used to determine which Regions would be transferring cases and which Regions would be receiving cases. Include a detailed description of how you determined the specific number of cases each Region would transfer/receive, as applicable.
 - a. To the extent staffing was a factor in these decisions, please describe in detail what specific steps you are taking to increase staffing levels in each Region that transferred cases to another Region.
6. When a case is found to have merit, which Region will be responsible for prosecuting and/or negotiating settlements in those cases? What will happen if the transferring Region disagrees with a finding made by the receiving Region?
7. Is the NLRB providing a template to regional staff for standardized notices to impacted parties regarding their case being transferred to a different region? If so, provide a copy of the communication.
8. In what order will the transferred ULP cases be considered by the new regions? By filing date? Will the transferred ULP cases be slated for consideration after a region addresses its existing backlog?

⁵ Press Release, NLRB Ofc. of Pub. Affrs., Union Petitions Filed with NLRB Double Since FY 2021, Up 27% Since FY 2023 (Oct. 14, 2024), <https://www.nlr.gov/news-outreach/news-story/union-petitions-filed-with-nlr-double-since-fy-2021-up-27-since-fy-2023>.

⁶ LYNN RHINEHART ET AL., ECON. POL'Y INST., THE BIDEN BOARD, HOW PRESIDENT BIDEN'S NLRB APPOINTEES ARE RESTORING AND SUPPORTING WORKERS' RIGHTS 4 (May 1, 2024), <https://files.epi.org/uploads/281289.pdf>.

⁷ George Weykamp, *NLRB Begins Hiring Push in Field Offices to Tackle Case Backlog*, BLOOM. LAW (May 12, 2026), <https://news.bloomberglaw.com/daily-labor-report/nlr-begins-hiring-push-in-field-offices-to-tackle-case-backlog>.

⁸ *Id.*

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9. Does the NLRB plan to transfer ULP cases to different regions in the future? If so, provide a detailed description of the next reallocation, including the anticipated date and criteria that will be used to select cases for transfer.
10. Is the Office of the General Counsel contemplating any future sharing/consolidating of NLRB functions across regions, including consolidation of regional offices? If so, provide a description and rationale for the actions being contemplated by the Agency.

Thank you for your attention to this matter. If you have any questions regarding this request, please contact the Committee's Democratic Labor Policy Staff at EWDoversight@mail.house.gov. We look forward to your response.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



MARK DESAULNIER
Ranking Member
Subcommittee on Health,
Employment, Labor, and Pensions