

Congress of the United States
Washington, DC 20515

January 16, 2018

The Honorable Marvin Kaplan
Chairman
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dear Chairman Kaplan:

We write to respectfully request an extension of sixty days—until April 13, 2018—to the response deadline in the National Labor Relations Board’s (NLRB) Request for Information (RFI) on whether to retain, rescind, or modify the 2014 Representation-Case Procedures rule (Election Rule).¹

The NLRB published the RFI in the *Federal Register* on December 14, 2017 and required that any responses be submitted by February 12, 2018—sixty days after the RFI was published. The RFI provided no data, and neither cited nor solicited any information on how the NLRB’s representation case procedures function in practice.

On December 21, a week after the NLRB published the RFI, we requested data regarding the Election Rule’s implementation by January 19, 2018, in order to provide enough time to analyze the data and ensure the comments you receive are empirically grounded. However, discussions between NLRB staff and our Committee staff have made clear that the NLRB will be unable to provide any of the information requested by the deadline. Moreover, staff has been informed that the NLRB will be unable to produce the requested information until mid-to-late February, after the close of the comment period. We request that, in order to take advantage of the requested data in a meaningful way, the deadline for comments be extended to April 13, 2018—an additional 60 days from the current deadline.

We hope you will agree that the RFI’s current deadline is problematic given the NLRB’s inability to produce the requested data in a timely manner. Extending the RFI response deadline to April 13 would furnish Congress with the information and the time necessary to provide informed responses to the RFI.

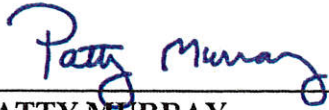
Thank you for your consideration of this request.

Please contact John D’Elia, Labor Counsel for the Senate Committee on Health, Education, Labor & Pensions (HELP) at John_DElia@help.senate.gov, Carly Rush, Deputy General Counsel for the Senate HELP Committee at Carly_Rush@help.senate.gov, and Kyle deCant, Labor Policy Counsel for the House Committee on Education and the Workforce at Kyle.deCant@mail.house.gov, if you have any questions about this request for an extension of time.

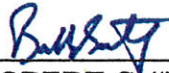
¹ 82 Fed. Reg. 58783 (Dec. 14, 2017).

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Sincerely,



PATTY MURRAY
U.S. Senator
Ranking Member
Committee on Health, Education, Labor
and Pensions



ROBERT C. "BOBBY" SCOTT
U.S. Representative
Ranking Member
Committee on Education and the Workforce

cc: The Honorable Lamar Alexander
Chairman
U.S. Senate Committee on Health, Education, Labor and Pensions

The Honorable Virginia Foxx
Chairwoman
U.S. House of Representatives Committee on Education and the Workforce

Gary Shinnery
Executive Secretary
National Labor Relations Board
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