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April 25, 2025

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

William B. Cowen
Acting General Counsel
National Labor Relations Board
1015 Half Street, S.E.
Washington, DC 20570

Dear Chairman Kaplan and Acting General Counsel Cowen:

We write to request information about potential workforce reductions and regional office closures at the National Labor Relations Board (NLRB) that threaten the agency's ability to safeguard workers' rights to organize, act concertedly, and collectively bargain.

The NLRB is an independent agency charged with enforcing the *National Labor Relations Act*, which is the only federal labor law in the country that protects the right of private sector workers to engage in concerted activity, form or join a union, and collectively bargain over terms and conditions of employment without the fear of intimidation or retaliation by their employer.¹ The agency carries out its statutory duties by administering representation elections and adjudicating unfair labor practice charges. As news reports circulate about staffing cuts and the shuttering of field offices throughout the federal government, we remain vigilant and are deeply concerned about such directives being applied to the NLRB. These actions would significantly hamper workers' freedom of association because they lack a private right of action, and the NLRB is the only avenue many workers have to effectuate their rights and hold law-breaking companies accountable.

In recent days, our staff have received troubling reports that you, the heads of an independent agency, are attempting to induce NLRB employees to leave the NLRB by offering alleged "voluntary early retirement agreements" and by contemplating proffering more deferred resignation agreements at the behest of the Administration through the Office of Personnel

¹ See generally 29 U.S.C. §§ 151-169.

Management (OPM) and/or the Office of Management and Budget (OMB). We have also received reports of potential premature lease terminations of multiple regional offices by the General Services Administration (GSA), which, if implemented, will detrimentally affect access and service to the public in many geographic areas. All of these actions—as well as your meeting with and agreeing to onboard two members of Elon Musk’s “Department of Government Efficiency” (DOGE) as detailees at the NLRB² without resistance—are highly alarming, especially considering the established pattern of DOGE detailees arriving at federal agencies being quickly followed by debilitating staffing cuts if not worse.³

If the NLRB reduces its workforce and closes a number of regional offices, it will render the NLRB’s enforcement mechanism basically ineffectual, thereby chilling workers from exercising their rights to engage in union organizing and protected concerted activities. Further, these actions would hamper the ability to file and timely process representation petitions and unfair labor practice charges against law-breaking employers.

The harm to America’s workers by potential directives to reduce this independent agency’s workforce cannot be overstated, especially when there is already a staffing crisis at the NLRB. 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.⁴ In 2023, there was approximately one full-time NLRB employee for every 90,000 workers under its jurisdiction.⁵ Thus, even now, the NLRB is severely under-resourced and understaffed, causing delays in case processing, adjudication, and enforcement, which will only be exacerbated with further staff reductions, thereby detrimentally affecting workers’ rights to choose union representation and to obtain remedial relief for violations of their rights.

Further, we note that stripping the agency of physical spaces to take witness affidavits, hold administrative hearings relating to representation and unfair labor practice cases, and conduct mail ballot elections, would unnecessarily create inefficiencies in case processing and require the agency to expend time and money to obtain and rent alternate space.

Simply put, any NLRB reduction in force (RIF) or office closures would be catastrophic for

² John Hyatt, *DOGE Staffers Pay Visit to NLRB Offices Following Whistleblower Report*, FORBES (Apr. 16, 2025), <https://www.forbes.com/sites/johnhyatt/2025/04/16/doge-staffers-pay-visit-to-nlrb-offices-following-whistleblower-report/>.

³ Ben Johansen et al., *DOGE Comes for the Little Guy*, POLITICO (Apr. 16, 2025), <https://www.politico.com/newsletters/west-wing-playbook-remaking-government/2025/04/16/doge-comes-for-the-little-guy-00294469>.

⁴ 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>.

⁵ 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>.

workers' rights. We strongly urge you to refrain from gutting the agency's capacity, regardless of any coercive encouragement or actual directives you have received or may receive from entities outside the NLRB. It is you, the NLRB's leaders, who retain the sole discretion to make personnel decisions and to implement them, not Elon Musk's DOGE, OPM, or OMB, and to determine whether offices should close, not GSA.

For the above-stated reasons, and in keeping with the Committee's oversight responsibilities, we request your responses by no later than May 2, 2025, to the following:

Deferred Resignation

1. Since January 20, 2025, how many NLRB employees have been offered deferred resignation offers? For those offered, provide the date(s) when those offers were made.
2. Since January 20, 2025, how many NLRB employees accepted deferred resignation offers?
3. Provide a complete breakdown of all accepted deferred resignation offers by position, duty station, date of acceptance, and effective date of resignation.
4. Why did the NLRB provide deferred resignation offers? What analyses did the NLRB conduct to reach its decision to provide deferred resignation offers?
5. What reassurances did the NLRB provide to its employees to ensure the voluntary and non-coercive nature of deferred resignation? Please provide all communications to NLRB employees in this regard.
6. What reassurances were you given by DOGE, OPM, OMB, GSA, the Small Agency Human Resources Council (SAHRC) and/or the White House to ensure that you would not be retaliated against by using your own independent discretion regarding decisions relating to reductions in force and office closures? Please provide all communications in this regard.
7. What is the NLRB's plan to fulfill its congressionally mandated duties if a significant number of NLRB employees choose to or are coerced to accept deferred resignation offers?

Voluntary Retirement

1. Has the NLRB offered its eligible employees the option to consider early retirement under VERA? If so, when? Provide all related communications.
2. How many current NLRB employees, including their position, duty station and work location, are eligible for voluntary early retirement under VERA?
3. Based on the NLRB's current understaffing, as publicly reported and as referenced in at least one memo from the current Acting General Counsel⁶, why did the NLRB choose to use Voluntary Early Retirement Authority (VERA) and ask its employees to consider early

⁶ GC 25-05 Rescission of Certain General Counsel Memoranda, National Labor Relations Board (Feb. 14, 2025), <https://www.nlr.gov/news-outreach/news-story/gc-25-05-rescission-of-certain-general-counsel-memoranda>.

retirement?

4. Did the NLRB receive any communications from and/or send any communications to OPM, OMB, or DOGE related to utilizing VERA? If so, provide copies of the communications.
5. Did the NLRB submit a VERA request to OPM with the required information as outlined in Section 8 of OPM's VERA guidance? If so, when did the NLRB submit the request, and did it receive a response? Provide all related communications.
6. How many current NLRB employees, including their position, duty station and work location, are eligible for regular retirement?
7. What, if any, criteria did or will the NLRB use to determine whether to approve a voluntary early retirement request?
8. What is the timeframe for NLRB employees to accept voluntary early retirement?
 - a. Has the NLRB shifted the time frame at any point? If so, why?
9. Have any NLRB employees chosen to apply for voluntary early retirement as of this date? If so, when will retirement take effect?
10. Has the NLRB conducted an assessment to determine the scope and impact of NLRB employees accepting voluntary early retirement and how that will affect agency operations? If so, provide a copy of the assessment.
11. What are the NLRB's plans to ensure the continuity of operations and efficient processing of cases if five percent or more of NLRB employees accept voluntary early retirement?
12. Will the NLRB backfill positions lost through the acceptance of voluntary early retirement? How will the NLRB account for the loss of managerial and other highly experienced NLRB employees?
13. What specific assurances were given by the NLRB to ensure that its employees understand the optional and non-coercive nature of the use of VERA? Provide all related communications.
14. Has DOGE been involved in any communications related to the NLRB's utilization of VERA?
15. Provide a breakdown of voluntary early retirements since January 20, 2025, by position, duty station, and work location.
16. Provide a breakdown of regular retirements since January 20, 2025, by position, duty station, and work location.
17. Provide copies of all communications with OPM, OMB, DOGE, and SAHRC related to VERA.

Reductions in Force (RIF)

1. The Trump Administration has ordered every agency to submit a Phase 1 Agency RIF and Reorganization Plan (ARRP) by March 13, 2025. Has the NLRB submitted a Phase 1 ARRP to OPM and OMB?
 - a. If so, provide an unredacted copy of the NLRB's Phase 1 ARRP and any underlying documents relied upon for the production of and rationale for the

Phase 1 ARRP.

- b. Explain the decision-making and rationale behind the NLRB's Phase 1 ARRP.
 - c. Has OPM and OMB provided a response to the Phase 1 ARRP? If so, provide an unredacted copy of their response and unredacted copies of any follow up communications between the NLRB, OPM and/or OMB regarding the Phase 1 ARRP.
 - d. What is the NLRB's plan to address OPM's response to its Phase 1 ARRP?
2. The Administration has also ordered every agency to submit a Phase 2 ARRP by April 14, 2025. Has the NLRB submitted a Phase 2 ARRP to OPM and OMB?
 - a. If so, provide an unredacted copy of the NLRB's Phase 2 ARRP and any underlying documents relied upon for the production of and rationale for the Phase 2 ARRP.
 - b. Has OPM and OMB provided a response to the Phase 2 ARRP? If so, provide an unredacted copy of their response and unredacted copies of any follow up communications between the NLRB, OPM and/or OMB regarding the Phase 2 ARRP.
3. Does the NLRB intend to implement any reductions in force outside of the Administration's directed ARRP at any point? If so, what is the rationale for that plan and provide a list of NLRB employees, including position, duty stations, and work locations that the NLRB intends to target.
4. What plan, if any, does the NLRB have to engage in staffing reductions because of the Administration's strong encouragement and/or mandate?
5. What plan, if any, does the NLRB have to engage in staffing reductions based on its own discretion?
6. What plan, if any, does the NLRB have to ensure that it can comply with its congressionally mandated duties and functions if it engages in further staffing reductions?
7. Provide all communications to the NLRB from outside entities, including but not limited to DOGE, OPM, OMB, GSA, SAHRC, and/or the White House and all communications sent from the NLRB to outside entities, including but not limited to DOGE, OPM, OMB, GSA, and SAHRC relating to RIFs and directives and/or guidance related to RIF implementation.
8. Provide all internal communications within the NLRB related to RIFs and directives and/or guidance received from external entities related to RIF implementation.

Office Lease Cancellations and/or Office Closures

1. Since January 20, 2025, how many leases for NLRB offices or other spaces, other than the Washington, DC, headquarters, have been canceled or otherwise designated for non-renewal (hereinafter "terminated")?
2. What office leases, if any, is the NLRB currently considering for termination?

3. What plan, if any, does the NLRB have to ensure that it can comply with its congressionally mandated duties and functions if it engages in lease terminations and/or office closures?
4. Provide all documents and communications since January 20, 2025, including messages on any digital communications platform, about the possible or planned termination of the affected leases, including the following:
 - a. Documents and communications establishing targets or quotas for terminating NLRB leases, criteria for terminating any NLRB leases, or identifying specific NLRB leases to be terminated, including the affected leases;
 - b. Documents and communications about any consultations, inside or outside the NLRB, about terminated NLRB leases and NLRB leases to be terminated;
 - c. Documents and communications about any meetings regarding the termination of NLRB leases; and
 - d. Documents and communications to the NLRB from GSA, OPM, OMB, DOGE, or other governmental entities outside the NLRB about any of the affected leases terminated and/or planned to be terminated, and any responses provided by the NLRB.

DOGE's Role at the NLRB

1. Provide the names and titles of the two DOGE detailees assigned to the NLRB.
2. How will the DOGE detailees be funded? What NLRB financial resources, if any, will be used? Provide all documentation regarding the DOGE detail assignments at the NLRB, including who is paying for the detailees.
3. Provide a list of all NLRB employees, including titles, who have met with DOGE employees, detailees, and/or representatives since January 20, 2025, and include the dates that each met with DOGE employees, detailees, and/or representatives.
4. Provide all communications with the NLRB by DOGE employees, detailees, and/or representatives related to DOGE's access to the NLRB and the agency's systems.
5. Provide all communications between OPM and the NLRB related to DOGE employees, detailees, and/or representatives' access to the NLRB and the agency's systems.
6. Provide all communications between OMB and the NLRB related to DOGE employees, detailees, and/or representatives' access to the NLRB and the agency's systems.
7. Provide all communications between SAHRC and the NLRB related to DOGE employees, detailees, and/or representatives' access to the NLRB and the agency's systems.
8. Provide all communications between the White House and the NLRB related to DOGE employees, detailees, and/or representatives' access to the NLRB and the agency's systems.
9. What purpose will the DOGE detailees serve at the NLRB?
 - a. How will the DOGE detailees' access at the NLRB differ from other DOGE employees and representatives?
 - b. Provide all communications with the NLRB by DOGE employees, detailees,

- and/or representatives related to DOGE's activities and purpose at the NLRB.
- c. Provide all internal communications within the NLRB related to DOGE's role at the NLRB.
10. What access has the NLRB granted to DOGE employees, detailees, and/or representatives since January 20, 2025, and when?
 11. What information has the NLRB provided to DOGE employees, detailees, and/or representatives since January 20, 2025, and when?
 12. What specific information did the NLRB provide DOGE employees, detailees, and/or representatives access to and when?
 13. What specific electronic systems has the NLRB granted DOGE employees, detailees, and/or representatives access to since January 20, 2025, and when?
 14. Why did NLRB senior leadership provide access to DOGE employees, detailees, and/or representatives? Provide all communications related to that decision.
 15. What was discussed at the April 16, 2025, meeting between DOGE and NLRB leadership? Provide all communications and minutes from that meeting.
 16. Have the NLRB and DOGE executed a Memorandum of Understanding (MOU) or any other agreement that pertains to the working relationship between the NLRB and DOGE?
 - a. If so, provide unredacted copies of all agreements between the NLRB and DOGE.
 - b. If not, does the NLRB intend to enter into an agreement with DOGE? What kind of agreement would it enter with DOGE?
 - c. What governs the DOGE detailees' work?
 17. What safeguards has the NLRB implemented to protect sensitive and legally protected information from DOGE employees, detailees, and/or representatives, including information that may involve Mr. Elon Musk, his companies, or companies he has a financial interest in?

Return to Office

1. Is the NLRB in compliance with its employee unions' collective bargaining agreements (CBAs) related to its Return to Office (RTO) policies?
 - a. If not, does the NLRB still recognize its duty to comply with the terms of the CBA?
2. Provide any communication that the NLRB has received or sent to OPM, OMB, DOGE, or the White House related to the NLRB's obligations under its collective bargaining agreements.
3. How many NLRB employees have applied for a deferment and/or accommodation for returning to the office?
 - a. How many has the NLRB granted?
 - b. Were any permanent exception granted, and under what circumstances?
 - c. What is the NLRB's plan for NLRB employees who received a short-term RTO deferment?
4. Is the NLRB aware of any attrition related to its RTO policies? Provide the number of

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NLRB employees known to have left due to implementation of RTO policies, including position, duty station, and work location of each.

5. Provide all notes and communications produced by the NLRB regarding RTO accommodations and deferral determinations with appropriate redactions where necessary.

We appreciate 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 or (202) 225-3725.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member



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



GREG CASAR
Vice Ranking Member

CC: The Hon. Tim Walberg, Chairman, House Committee on Education and Workforce