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September 1, 2026

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

Dear General Counsel Carey:

Following your recent appearance before the Committee on Education and Workforce (Committee), we write to request information regarding the practice of and standards for pursuing settlement agreements in pending cases before the National Labor Relations Board (NLRB).

In your written testimony provided to the Committee, you stated that as part of the effort to address the NLRB's backlog of cases, you are committed to pursuing "reasonable settlements."¹ While we share the commitment to tackle the NLRB's significant backlog, it cannot come at the expense of fighting for the justice that workers deserve. During your appearance before the Committee on June 4, 2026, you stated that the "majority" of settlement agreements offered by your office are bilateral and thus agreed upon by both parties.² However, "majority" does not mean "all," and your office's recent decision to pursue unilateral settlement agreements in select cases are deeply concerning.

In April 2026, your office offered a unilateral settlement to Amazon which would terminate a yearslong case out of Palmdale, California, that alleged the company was a joint employer of delivery drivers and that it was required to recognize and bargain with the drivers' union.³

¹ *Examining the Policies and Priorities of the NLRB: Hearing Before the Subcomm. on Health, Employ., Lab., Pensions of the H. Comm. on Educ. and Wrkf.*, 119th Cong. (2026) (statement of Crystal S. Carey, General Counsel, National Labor Relations Board).

² *Examining the Policies and Priorities of the NLRB: Hearing Before the Subcomm. on Health, Employ., Lab., Pensions of the H. Comm. on Educ. and Wrkf.*, 119th Cong. (2026) (timestamps: 36:05 to 36:15).

³ Josh Eidelson, *Trump Labor Board Pushes to Settle Major Amazon Contractor Case*, BLOOMBERG (Apr. 13, 2026), <https://www.bloomberg.com/news/articles/2026-04-13/trump-labor-board-pushes-to-settle-major-amazon-contractor-case>.

Notably, your office offered this settlement over the objections of the union⁴ and included a non-admission clause that allows Amazon to continue to evade joint employer liability.⁵ Adding to the alarm of this decision, in June 2026, your office offered Amazon yet another deal in a unilateral settlement agreement that protected Amazon from joint employer liability and failed to take workers' concerns into account.⁶

These questionable agreements appear to deviate from your office's guidance to regional offices. In May 2025, then-Acting General Counsel William Cowen issued a memorandum on settlement agreements,⁷ which you affirmed in February 2026, and which continues to be effective under your leadership.⁸ The guidance specifically states that non-admission clauses can be inserted in settlements, with a focus on cases "where a Region has yet to engage in substantial trial preparation."⁹ It also states that "[a]bsent extraordinary circumstances, non-admissions language should not be included in Settlement Agreements involving a recidivist violator."¹⁰ Furthermore, the NLRB's Casehandling Manual directs regional staff to "regularly engage with the charging party when preparing, modifying, and finalizing settlements" and stipulates "solicit[ing] meaningful input from the charging party about appropriate terms to include in a proposed settlement agreement, and fully consider that input, before it is shared with the charging party."¹¹

The settlements you offered to Amazon in both of the aforementioned cases appear to stand in direct contradiction to your office's guidance. Specifically, the Palmdale case settlement occurred in the middle of an Administrative Law Judge proceeding on the question of whether Amazon was a joint employer of delivery drivers.¹² Both settlements also include a non-admission clause for Amazon, which has been found to have violated the *National Labor Relations Act* in multiple cases.¹³ Additionally, given the objections to the settlements by workers and their representatives, the question arises whether your office is fully considering their input.

⁴ Charging Parties' Supplemental Brief Opposing Approval of the General Counsel's Defective Unilateral Settlement Agreement with Charged Party Amazon, Amazon.com Services, LLC and its agent Amazon Logistics, Inc. (collectively "Amazon"), as a joint employer with Battle Tested Strategies ("BTS"), Nos. 31-CA-317349, 31-CA-319781 & 31-CA-320596 (NLRB Apr. 20, 2026).

⁵ Josh Eidelson, *What Trump Delivered for Amazon*, Bloomberg (June 2, 2026), <https://www.bloomberg.com/news/features/2026-06-02/amazon-trump-settlement-win-showed-just-how-tough-delivery-drivers-have-it>.

⁶ Josh Eidelson, *Trump Labor Board Backs Off Another Amazon 'Who's the Boss' Case*, Bloomberg (Jun. 25, 2026), <https://www.bloomberg.com/news/articles/2026-06-25/trump-administration-backs-off-another-amazon-who-s-the-boss-case>.

⁷ GC 25-06, Seeking Remedial Relief in Settlement Agreements (May 16, 2025), <https://apps.nlr.gov/link/document.aspx/09031d4583ffc1c3>.

⁸ GC 26-03, Case Handling Guidance (Feb. 27, 2026), <https://apps.nlr.gov/link/document.aspx/09031d45841ea072>.

⁹ See GC 25-06, *supra* note 7 at 2.

¹⁰ *Id.*

¹¹ NAT'L LAB. RELS. BRD., CASEHANDLING MANUAL, PART ONE, UNFAIR LABOR PRACTICE PROCEEDINGS, 10128.2(b) (Mar. 2026), <https://www.nlr.gov/sites/default/files/attachments/pages/node-174/ulp-manual.pdf>.

¹² See Eidelson, *supra* note 5.

¹³ See, e.g., Lynn Rhinehard & Celine McNicholas, What's Behind the Corporate Effort to Kneecap the National Labor Relations Board?, ECON. POL'Y INST. (Mar. 7, 2024), <https://www.epi.org/blog/whats-behind-the-corporate-effort-to-kneecap-the-national-labor-relations-board-spacex-amazon-trader-joes-and-starbucks-are-trying-to-have-the-nlr-declared-unconstitutional/>.

These unilateral settlements raise serious questions and concerns about your office's decision-making process and standards for offering settlement agreements. As the General Counsel, it is your responsibility to enforce workers' rights fairly and consistently without regard to the parties involved.

In keeping with the Committee's oversight responsibilities, we request your responses by no later than September 15, 2026, to the following:

1. Provide the total number of settlements approved by the NLRB since January 7, 2026.
 - a. Of the total number of approved settlements, how many settlements were bilateral?
 - b. Of the total number of approved settlements, how many settlements were unilateral.
 - c. Of the total number of approved settlements, how many settlements were non-Board settlements?
 - d. Of the total number of approved settlements, in how many cases did the applicable Regional Director seek prior authorization from the Division of Operations Management?
 - e. Of the total number of approved settlements, in how many cases did the Office of the General Counsel require prior authorization from the Division of Operations Management?
 - i. Of these settlements, provide a list of all cases in which the employer communicated directly with the Office of the General Counsel and/or the Division of Operations Management regarding the terms and/or approval of the settlement.
 - ii. Provide all communications to, from, or between the Office of the General Counsel, the Division of Operations Management, and the applicable Region related to these settlements.
2. Does the Office of the General Counsel have minimum requirements for acceptable settlement offers?
 - a. If yes, what are the requirements?
 - b. If no, will you establish minimum requirements?
 - c. Provide all communications from the Office of the General Counsel and/or the Division of Operations Management to Regional Directors regarding standards regional offices should or must adhere to when evaluating and/or approving a settlement.
3. Has the Office of the General Counsel approved settlements that required the employer to provide less than 80 percent of backpay?
 - a. If so, how many settlements have been approved below the 80 percent threshold?
 - i. What is the lowest percentage of backpay the Office of the General Counsel has approved in a settlement since January 7, 2026?
 - ii. What is the average backpay percentage obtained in settlements approved by the NLRB since January 7, 2026?

The Honorable Crystal S. Carey

September 1, 2026

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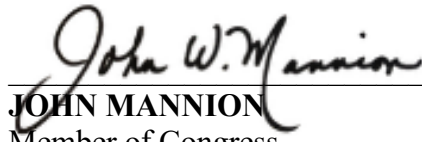
- iii. Of these settlements, provide a list of all cases in which the employer communicated directly with the Office of the General Counsel and/or the Division of Operations Management regarding the terms and/or approval of the settlement.
- iv. Provide all communications to, from, or between the Office of the General Counsel, the Division of Operations Management, and the applicable Region related to these settlements.

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



JOHN MANNION
Member of Congress