



September 21, 2022

Mr. David P. Berry  
Inspector General  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570

Dear Inspector General Berry:

The National Labor Relations Act (NLRA) is intended, in part, to protect a worker's right to engage, or not to engage, in concerted activity. It establishes numerous procedures under which that right is exercised, particularly with regard to determining union representation. For the statute to work as intended, the National Labor Relations Board (NLRB) must strive to create a fair and neutral process for conducting and monitoring representation elections.

Recent allegations, however, have called that fairness into question, and raise significant concerns that NLRB staff in the field are not observing proper election procedures that evenly balance the interests of all parties. We request that you investigate these allegations and make any recommendations needed to ensure that NLRB staff are not showing favoritism towards workers who support unionization over those who do not.

These allegations, which were brought to the attention of the NLRB in great detail in a recent letter, include secretly coordinating with unions to arrange for in-person voting by union supporters during a mail-in ballot, giving unions non-public information about vote counts so they could target employees, and generally collaborating with unions to produce the desired outcome in elections. Disturbingly, these allegations cover multiple NLRB regional offices, including regions 14, 3 and 9. Perhaps most alarming is that these issues were reportedly brought to the company's attention by a whistleblower within the NLRB.

Other businesses have raised additional concerns about the conduct of NLRB regional staff during elections. For example, in an election at a major distribution center in Staten Island, objections have been raised related to Board agents allowing union organizers as well as members of the media to mingle with voters waiting to vote. In addition, just three polling stations were set up for 8,000 voters, which may have led to the low turnout levels that occurred.

The NLRB, in conjunction with the EEOC and DOL, has launched a major effort to prevent retaliation against employees. Therefore, in addition to investigating the claims of misconduct, we hope that you will make every effort to build on this ongoing multi-agency work by protecting any whistleblowers within the NLRB from retaliation.

For Americans to have confidence in our government institutions, they must be seen as operating fairly. We hope that you will give these allegations serious consideration to ensure that this is the case.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a large, stylized flourish at the end.

Neil L. Bradley  
Executive Vice President, Chief Policy  
Officer,  
and Head of Strategic Advocacy  
U.S. Chamber of Commerce