

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

GLENN SPENCER
SENIOR VICE PRESIDENT
EMPLOYMENT POLICY DIVISION

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WASHINGTON, D.C. 20062
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November 8, 2023

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

Dear Inspector General Berry:

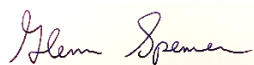
Thank you for investigating recent allegations of misconduct by the National Labor Relations Board during a mail-ballot election at a Starbucks store in Overland Park, Kansas. The investigation determined that NLRB staff engaged in “gross mismanagement” of the election that “could have a significant adverse impact on the NLRB in performing its statutory mission.”

We applaud your office for completing the investigation, and for calling out the malfeasance that harms the credibility of the NLRB. We encourage you to go further, however, and investigate other elections at additional Starbucks locations. Given the hundreds of elections that have taken place during this organizing effort, and the favoritism displayed towards one party in the Overland Park case, it is highly unlikely that this is the only election in which misconduct has occurred. Mail-ballot elections are particularly susceptible to the behaviors highlighted in your report, as discussed in a U.S. Chamber white paper released earlier this year.

The NLRB is meant to act as a neutral party in elections, ensuring that they take place in as close to “laboratory conditions” as possible. The agency is charged with ensuring that workers can decide on union representation free from intimidation by unions or employers. When the agency puts its thumb on the scale for one side or the other, its credibility is undermined. It is important that Americans have confidence that the agency remains impartial. A full investigation of recent elections by your office would help restore its reputation.

We urge you to initiate additional investigations into the NLRB’s potential misconduct, and we thank you for your attention to this important matter.

Sincerely,



Glenn Spencer