

February 2, 2018

Roxanne Rothschild
Deputy Executive Secretary
National Labor Relations Board
1015 Half St. SE
Washington, DC 20570
roxanne.rothschild@nlrb.gov

**Re: Representation-Case Procedures (RIN 3142-AA12), 82 Fed. Reg. 58783
(December 14, 2017); Request for Extension of Time to File Comments**

Dear Ms. Rothschild,

The undersigned associations are writing to request an extension of 60 days from the current due date of March 19, 2018, within which to file responses to the National Labor Relations Board's ("Board" or "Agency") Request For Information regarding the Agency's Representation-Case Procedures published in the Federal Register on December 14, 2017.¹ While the undersigned groups appreciate the Board's recent 30 day extension of the original due date, for the reasons set forth below, an additional 60 days will substantially benefit the Board's record in this matter.

All of the undersigned associations have a vital interest in any developments affecting the administration of the National Labor Relations Act. Their members have vast experience with the Agency's Representation Case procedures both before and after their amendment in December of 2014. A great majority of the undersigned groups filed comments with respect to those amendments and participated in litigation involving those amendments following their adoption.

The undersigned believe that granting the requested extension would be of benefit to both the Agency and to the process of determining whether to retain, revise, or rescind the current procedural rules for two principal reasons.

First, we believe that a thorough review of the current election rules, and the effect of the 2014 amendments thereto, is best based on the actual experience of parties complying with the rules. Much of that information cannot be captured from data alone, and can only be obtained through surveying the actual experience of participants. The vast majority of employers that have participated in Board representation case proceedings both under the amended rules, and under the rules and procedures existing prior to 2014, are members of one or more of the undersigned. We believe that obtaining from those members their actual, real-world experiences under the amended rules would provide the Board with valuable information that would illuminate its subsequent decision to retain, revise or rescind the current rules. Identifying the appropriate member/parties, and obtaining the type of information that would prove useful to the Board, is, however, a time-consuming process. Accordingly, our requested extension is based, in large measure, on the time necessary to prepare and survey our members, receive, review and collate

¹ See, 82 FR 58783, Document No. 2017-26904

their responses, and incorporate the information in comment form for consideration by the Board.

Second, in addition to the experiential information noted above, we believe that relevant and appropriately analyzed empirical data may also be of use in both formulating our comments and in assisting the Board in its deliberative process. We require additional time to review and properly analyze all publicly available data; and, to the extent certain data may not be publicly available, to prepare an appropriate request to the Agency to provide such data, and to allow sufficient time for the Agency to respond.

Accordingly, for the foregoing reasons, we respectfully request an additional 60 days beyond the recent 30 day extension within which to respond to the Request for Information.

Sincerely,

American Hotel & Lodging Association
Associated Builders & Contractors, Inc.
Coalition for a Democratic Workplace
Council for Labor Law Equality
HR Policy Association
Independent Electrical Contractors, Inc.
International Foodservice Distributors Association
International Franchise Association
National Association of Wholesaler-Distributors
National Council of Chain Restaurants
National Grocers Association
National Restaurant Association
National Retail Federation
Retail Industry Leaders Association
Society for Human Resource Management
U.S. Chamber of Commerce

cc: Marvin E. Kaplan, Chairman, National Labor Relations Board
William J. Emanuel, Member, National Labor Relations Board
Lauren McFerran, Member, National Labor Relations Board
Mark Gaston Pearce, Member, National Labor Relations Board