

**STATEMENT OF MARVIN KAPLAN
NOMINEE FOR MEMBER, NATIONAL LABOR RELATIONS BOARD**

**BEFORE THE
COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS
OF THE UNITED STATES SENATE**

JULY 13, 2017

Thank you Chairman Alexander, Ranking Member Murray, and members of the Committee. It is a great honor to appear before you today with my fellow nominees and to be considered as a potential Member of the National Labor Relations Board.

Unfortunately, my wife, Dr. Ladin Yurteri-Kaplan, and son, Eliaydin Kaplan, are not able to join me today. My wife, a first generation Muslim American, is my greatest supporter and critic. My son is the best thing that has ever happened to me and a constant reminder that it is our responsibility to leave the world better than we found it. I would like to thank them for their support and sacrifices so that I may continue my career in public service.

I would also like to thank my parents, Elliot and Jeanne Kaplan. My father worked tirelessly to make sure we were provided for. He instilled in me the importance of fair play, hard work, and patience. My mother taught me compassion, acceptance, and understanding. They also imparted to me a deep love for this country and a desire to serve it.

Finally, I would like to thank my in-laws, Sualp and Gonca Yurteri. They have been part of my life for the last 19 years. Over that time, through hard work and devotion, they have built a successful small marble and stone business. Despite the rigors of their work, they have found time to help take care of my son. I would not be able to pursue this opportunity without their support.

Following graduation from law school at Washington University in St. Louis, where I concentrated on labor and employment law, and after a short stint at a law firm, I devoted myself to public service, focusing on labor and employment law. I began my public service career at the U.S. Department of Labor's Office of Labor Management Standards in 2007. In 2009, I came to Capitol Hill, working for the House Oversight and Government Reform Committee and subsequently, for the Education and the Workforce Committee. Currently, I am chief counsel to the Chairman of the Occupational Safety and Health Review Commission. In each of these positions, I have gained extensive labor and employment law experience and developed skills that are essential for success as a member of the National Labor Relations Board.

At the Department of Labor, I met and worked with employees, unions, employers, attorneys, Congressional staff, and various interest groups to ensure union democracy, financial integrity, and transparency. It was a unique professional opportunity to develop and implement labor policy. During this time, the Office of Labor Management Standards was regularly the subject of Congressional oversight. We endeavored to be responsive to all Congressional inquiries while simultaneously protecting the integrity of ongoing investigations and the

deliberative process. I departed the Department of Labor with a substantive understanding of union structure and collective bargaining, a respect for Congressional oversight, and a deep understanding of the administrative policy-making process.

In 2009, I became counsel for the U.S. House Oversight and Government Reform Committee. The Committee has broad oversight jurisdiction, covering almost the entire federal government. At the direction of then-Ranking Member Issa, I was responsible for ensuring compliance with dozens of oversight requests and conducting numerous investigations aimed at ensuring that Departments and Agencies were operating in an open and transparent manner, accountable to all stakeholders, and acting within the bounds of the authority given to them by Congress. While oversight can be contentious, I was always respectful of the administration's position and attempted to find a mutually agreeable outcome. My time at the U.S. House Oversight and Government Reform Committee highlighted the importance of transparency and accountability.

I joined the U.S. House Education and the Workforce Committee in 2012. As Workforce Policy Counsel, I continued to conduct oversight of the Department of Labor and the National Labor Relations Board, and provided legal and policy advice on all workforce issues, from labor/management relations to pensions. My duties and responsibilities required extensive study of the National Labor Relations Act. I regularly met with Member of Congress, minority staff, employees, administration officials, including the General Counsel and Members of the National Labor Relations Board, unions, employers, attorneys, and various interest groups. It was an unparalleled opportunity to debate the most fundamental labor and employment policies with a broad range of interested parties. These discussions were bolstered by dozens of committee hearings. I always approached these issues with an open mind.

In 2015, I accepted a position at the Occupational Safety and Health Review Commission (Commission). The Commission, like the National Labor Relations Board, involves appellate level decision-making. As counsel and now chief counsel, I review appeals of administrative law judge decisions. That review involves the examination of an extensive hearing record, the legal analysis of the judge's opinion, and the evaluation of competing appellate arguments. From start to finish, this deliberative and decisional process is collaborative, requiring an open mind and patience to reach decisions and flesh out opinions.

If confirmed, I will fairly and faithfully enforce the National Labor Relations Act as it is written and consistent with its amendments. I will approach each case impartially, respect longstanding precedent, stay true to the tenets of statutory construction, endeavor to bridge the divisions at the National Labor Relations Board, seek public input when appropriate, and cooperate with Congressional oversight.

Thank you for the opportunity to offer these opening remarks. I welcome your questions.