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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
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October 23, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Julie A. Su
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Acting Secretary Su:

I am following up on the Department of Labor's (DOL) August 18, 2023 response to my July 25, 2023 letter addressed to you concerning alarming reports that DOL's Office of Labor-Management Standards (OLMS) is demonstrating a concerted effort to distort federal statutes to favor unions.

It is alleged that OLMS is requiring employers to file persuader reports on their own corporate officers who discuss collective bargaining with workers. This type of reporting is explicitly exempted under Section 203(e) of the Labor-Management Reporting and Disclosure Act of 1959, which states:

“[n]othing contained in this section shall be construed to require any regular officer, supervisor, or employee of an employer to file a report in connection with services rendered to such employer nor shall any employer be required to file a report covering expenditures made to any regular officer, supervisor, or employee of an employer as compensation for service.”¹

Such requests are also contrary to OLMS' own interpretive manual, which makes clear where Section 203(e) exemptions do and do not apply. For example, OLMS states that no report is required of a labor relations director who is a “regular staff member” and delivers his or her employer's message on its employees' right to unionize.²

¹ Labor Management Reporting and Disclosure Act of 1959, 29 U.S.C. 433(e) (1959).

² U.S. Dep't of Labor, *OLMS Interpretative Manual*, https://www.dol.gov/sites/dolgov/files/OLMS/regs/compliance/interp_manual/Interpretative_Manual_021122.pdf (last revised Feb. 2022).

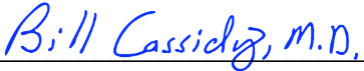
My July letter requests information on OLMS reporting requirements, the legal authority OLMS is relying on to require employers to file persuader reports on their own corporate officers, and for a list of all employers DOL is requiring to produce this type of information. DOL, under your leadership, failed to answer these questions.

Therefore, I write to you again and request that you provide an adequate response to my July letter. In addition, please produce the following documents, **by November 6, 2023**.

1. From January 2019 to October 2023, electronic copies of letters OLMS sent to companies requesting them to file LM-10 reports on the activity of company officers, including, but not limited to, human resources, employee relations, or labor relations vice presidents or directors.
2. From January 2019 to October 2023, electronic copies of all subpoenas served on companies requiring them to file LM-10 reports on the activity of company officers, including, but not limited to, any human resources, employee relations, or labor relations vice presidents or directors.

Thank you for your prompt attention to this matter.

Sincerely,


Bill Cassidy, M.D.
Bill Cassidy, M.D.
Ranking Member
Senate Committee on Health,
Education, Labor and Pensions