

# Congress of the United States

Washington, D.C. 20515

August 24, 2022

Delivered via Email

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

Dear Inspector General Berry:

Serious allegations of misconduct by National Labor Relations Board (NLRB) officials in Starbucks Corporation (“Starbucks”) representation elections and unfair labor practice cases have been reported by several media outlets. We request that the Office of Inspector General (OIG) immediately investigate these allegations, protect all whistleblowers from retaliation, and ensure the NLRB is fulfilling its obligations under the law to safeguard the rights of workers to engage in or refrain from organizing activity.

On August 15, Starbucks wrote to NLRB Chairman Lauren McFerran and General Counsel Jennifer Abruzzo charging that NLRB officials engaged in substantial misconduct regarding Starbucks and Workers United elections.<sup>1</sup> Starbucks alleges that certain NLRB officials engaged in the following misconduct:

1. Coordinated with agents of Workers United to arrange for unobserved, in-person voting in NLRB offices during NLRB-ordered mail-ballot elections;
2. Provided these union agents confidential, non-public, real-time information regarding specific vote counts, which enabled Workers United to target and influence employees who had not yet voted;
3. Disenfranchised other employees who were not given the same opportunity to cast in-person votes in NLRB offices;
4. Collaborated with Workers United agents to cover up these actions; and,
5. Collaborated with Workers United to increase the number of votes cast in favor of the union and affect the outcome of elections.

We request that the OIG thoroughly investigate the allegations in the August 15 Starbucks letter and report to us the findings of the investigation in writing and a briefing.

Additionally, we understand that the allegations outlined above were brought to light with the assistance of a career NLRB employee. We applaud the courage and professionalism of this

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<sup>1</sup> Letter from Zarina Jenkins, Acting Exec. Vice President & Gen. Couns., Starbucks, & Kimberly J. Doud, Couns. for Starbucks, to Lauren M. McFerran, Chairman, NLRB, & Jennifer A. Abruzzo, Gen. Couns., NLRB (Aug. 15, 2022) (attached).

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individual. We request the OIG ensure this individual is protected in accordance with whistleblower laws. We also request the OIG encourage NLRB employees, Starbucks employees, and associates of Workers United to report potential misconduct, and that the OIG protect these whistleblowers.

Finally, while the allegations outlined above may involve a representational election in Overland Park, Kansas, they suggest more widespread problems at the NLRB. The *National Labor Relations Act* (NLRA) ensures that workers can freely determine whether they will join a union. Since January 2021, we have conducted oversight regarding the Biden administration's improper favoritism toward unions. Unfortunately, the allegations outlined above only increase our concerns. Accordingly, we request the OIG not only investigate the allegations in the August 15 Starbucks letter, but that it also conduct an audit to review whether the NLRB has been neutral and objective in administering representation elections since January 2021 as required by the NLRA.

Thank you for your prompt attention to this serious matter.

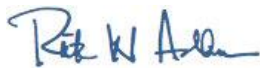
Sincerely,



Virginia Foxx  
Ranking Member  
House Committee on Education and Labor



Richard Burr  
Ranking Member  
Senate Committee on Health, Education,  
Labor, and Pensions



Rick W. Allen  
Ranking Member  
Subcommittee on Health, Employment,  
Labor, and Pensions



Mike Braun  
Ranking Member  
Subcommittee on Employment  
and Workplace Safety