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COMMITTEE ON
EDUCATION AND THE WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
2176 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6100

October 17, 2024

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

Dear Acting Secretary Su:

The Committee on Education and the Workforce (Committee) is conducting oversight on the Department of Labor's Office of Labor-Management Standards (OLMS) and its enforcement of disclosure requirements for worker centers. Worker centers may allow labor unions to evade disclosure requirements that are otherwise required for traditional unions, allowing unions to engage in activities that blur the line between traditional organizing and political activism.¹ Worker centers have long been a matter of concern to the Committee, which has previously requested information regarding OLMS's treatment of these entities.² With this letter, the Committee is seeking a better understanding of changes to OLMS's policies regarding worker centers during the Biden-Harris administration.

The Committee is alarmed at what appear to be exemptions from disclosure requirements of certain worker centers added to the OLMS Interpretive Manual (Manual) by the Biden-Harris administration.³ In the most recent edition of the Manual, OLMS adds a new section stating that, in order to be a labor organization under the *Labor-Management Reporting and Disclosure Act* (LMRDA), there must be "dealing" comprised of a "pattern or practice" where an organization makes "proposals to management and management responds by word or deed."⁴ The Manual continues, "Picketing, handbilling, protesting, and other campaigns targeting employers do not constitute 'dealing with' without this 'bilateral mechanism.'"⁵ The Manual then states that OLMS has analyzed several worker centers and, based on its analysis, found that the listed

¹ INST. FOR THE AM. WORKER, WORKER CENTERS – A PRIMER, <https://i4aw.org/reports/worker-centers-a-primer/>.

² Letter from Chairwoman Virginia Foxx to R. Alexander Acosta, Sec'y of Lab. (Jan 18, 2018), https://edworkforce.house.gov/uploadedfiles/acosta_worker_center_jan_18_2018_.pdf.

³ OLMS INTERPRETATIVE MANUAL 26 (2022), https://www.dol.gov/sites/dolgov/files/OLMS/regs/compliance/interp_manual/Interpretative_Manual_021122.pdf.

⁴ *Id.*

⁵ *Id.*

organizations “did not demonstrate that they existed for the purpose of dealing with employers, either through statements in their governing documents or through an actual or attempted pattern of dealing.”⁶

In other words, Biden-Harris officials within OLMS seem to have exempted several worker centers from LMRDA disclosure requirements by listing them by name in the text of the manual. This is concerning because determining whether an organization is a labor union is supposed to be a fact-based analysis based on a “pattern or practice.”⁷ If OLMS is exempting these worker centers from disclosure requirements, this undermines the analytical framework for determining whether an organization is a labor union based on examining the patterns or practices of the organization over time. It is improper for the Manual to exempt these specific organizations from disclosure requirements prospectively.

To clarify the statements made in section 030.613 of the Manual, please provide responses to the following requests by no later than October 31, 2024:

1. An explanation of why OLMS chose the specific workers centers that it listed in section 030.613 of the Manual.
2. An explanation of the methodology that OLMS used in evaluating each of the worker centers listed in section 030.613 of the Manual and OLMS’s analysis for each.
3. An explanation of the circumstances in which OLMS initiated its analyses for the worker centers listed in section 030.613 of the Manual.
 - a. Did OLMS perform these analyses as part of a formalized proceeding?
 - b. Did these worker centers request that OLMS provide technical assistance or an advisory opinion? If so, state which worker centers requested technical assistance or an advisory opinion.
 - c. Did OLMS choose to analyze any worker centers listed in section 030.613 of the Manual without first receiving a request for technical assistance or for an advisory opinion? If so, state which worker centers listed in section 030.613 of the Manual did not request technical assistance or an advisory opinion.
4. An explanation of whether the Manual exempts the worker centers listed in section 030.613 from disclosure requirements without further analysis.

⁶ *Id.* (The Manual lists the National Guestworkers Alliance, New York Taxi Workers Alliance, OUR Walmart, Awood Center, Coalition of Immokalee Workers, Garment Workers Center, Pilipino Workers Center, Restaurant Opportunity Center of New York, Workers Defense Project, and Working Washington.)

⁷ OLMS INTERPRETATIVE MANUAL, *supra* note 3, at 26.

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House Rule X vests the Committee with the jurisdiction and responsibility to “review and study on a continuing basis ... the application, administration, execution, and effectiveness of laws and programs addressing subjects within its jurisdiction.”⁸ This includes the Committee’s obligation to investigate the Biden-Harris administration’s implementation of the LMRDA and to make legislative changes as warranted.⁹ The requests in this letter and any documents created as a result of these requests will be deemed congressional documents and property of the Committee.

Thank you for your prompt attention to this inquiry.

Sincerely,



Virginia Foxx
Chairwoman



Bob Good
Chairman
Subcommittee on Health, Employment,
Labor, and Pensions

⁸ RULES OF THE U.S. HOUSE OF REPRESENTATIVES, Rule X cl. 2(b) (118th Cong.) (Jan. 10, 2023); *see also* Rule X (organization of committees), Rule X cl. 1 (committees and their jurisdictions), cl. 1(e) (Committee on Education and the Workforce), <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/118/Additional%20Items/118-House-Rules-Clerk-v2.pdf>.

⁹ *Trump v. Mazars USA, LLP*, 591 U.S. 848, 863 (2020) (internal citations omitted).