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

March 22, 2023

Rebecca A. Dormon
Assistant to the Regional Director
National Labor Relations Board, Region 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Dear Ms. Dormon:

The Committee on Education and the Workforce (Committee) is conducting oversight on allegations of misconduct by National Labor Relations Board (NLRB or Board) officials in representation election cases involving Starbucks Corporation (Starbucks) and Workers United. On August 15, 2022, Starbucks wrote to NLRB Chairman Lauren McFerran and General Counsel Jennifer Abruzzo alleging that NLRB officials engaged in substantial misconduct regarding Starbucks and Workers United elections.¹

On February 24, 2023, an NLRB report confirmed certain allegations detailed in the Starbucks letter. An NLRB Hearing Officer issued a report finding merit to certain objections made by Starbucks regarding the representation election involving its Overland Park, Kansas, store.² The report details misconduct by NLRB employees relating to their communications with Workers United about the election and duplicate ballots. According to the report, NLRB employees shared substantially more information about the election with Workers United than Starbucks. The Hearing Officer found the disparity so great that it “casts doubts as to the fairness of the conduct of this election,” and she recommended the election be “set aside and a new election held.”³

The Committee understands that NLRB employee misconduct in representation elections is more widespread than the allegations in the Starbucks letter and findings in the Hearing Officer report.

¹ 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).

² Starbucks Corp., No. 14-RC-289926, at 9 (NLRB Feb. 24, 2023) (hearing officer’s report and recommendations on objections).

³ *Id.* at 10.

Further, the Committee understands that you have access to communications and documents indicating misconduct by NLRB employees in representation and unfair labor practice cases.

Rule X of the Rules of the House of Representatives authorizes the Committee on Education and the Workforce to conduct oversight of matters involving the NLRB to inform potential legislation.⁴ Our oversight of allegations and findings of NLRB employee misconduct fall within the Committee's jurisdiction and are "subject[s] on which legislation could be had."⁵ These potential legislative reforms include amending representation case procedures under the *National Labor Relations Act*, limiting the use of mail-ballot elections, and enhancing the rights of parties involved in representation cases to appeal Board orders. As NLRB Assistant to the Regional Director for Region 15, you are uniquely situated to provide information that is relevant and necessary to inform the Committee's oversight and potential legislative reforms.

Please find attached a subpoena compelling you to provide documents.

Sincerely,



Virginia Foxx
Chairwoman

⁴ Rules of the U.S. House of Representatives, R. X (2023).

⁵ *Trump v. Mazars USA, LLP*, 140 S.Ct. 2019, 2031 (2020) (quotation marks omitted).