



COALITION FOR A **DEMOCRATIC WORKPLACE**

July 14, 2021

Dear Chair Murray and Ranking Member Burr:

The Coalition for a Democratic Workplace (CDW) writes to urge the Senate Health, Education, Labor, and Pensions Committee to oppose the nominations of Gwynne Wilcox and David Prouty to serve as members of the National Labor Relations Board (NLRB) due to their biases against the employer community and clear conflicts of interest. If confirmed, both Wilcox and Prouty will face conflicts of interest based on their previous employment histories, the organizations they have represented, and the litigation and issues they have previously supported. They cannot and will not serve as neutral arbiters of the law.

CDW is a broad-based coalition of hundreds of organizations representing hundreds of thousands of employers and millions of employees in various industries across the country concerned with a long-standing effort by some in the labor movement to make radical changes to the National Labor Relations Act without regard to the severely negative impact they would have on employees, employers, and the economy. CDW was originally formed in 2005 and has since focused on pushing back against regulatory overreach by the NLRB.

Wilcox previously represented the Fight for \$15 advocacy group where she worked on various issues under the NLRB's jurisdiction, including the joint employer standard, one of the most controversial and divisive issues of the day. Wilcox represented the organization during the NLRB's biggest joint employer liability case in the agency's history. Any cases before the Board dealing with this and other issues that she worked on during her time with Fight for \$15 will raise conflict of interest concerns. Prouty, on the other hand, as the current General Counsel of the Service Employees International Union (SEIU), will likely be forced to recuse himself from any case involving the union or its numerous affiliates and partner organizations and any issues on which he worked during his time with the union.

CDW is concerned that Wilcox and Prouty will not be able to fairly adjudicate cases involving issues or policies on which they have previously participated. They will have predetermined notions on policy outcomes prior to analyzing the case or circumstances in question. After several years of back and forth over the NLRB's recusal policies, it is clear that these nominees will create additional uncertainty for the Board and all stakeholders under their jurisdiction.

CDW urges the committee to oppose these nominations over their biases and the potential impact they will have on the ability of the Board to act as neutral arbiters of the nation's labor-management relations law.

Sincerely,

Kristen Swearingen
Chair
Coalition for a Democratic Workplace

cc: Members of the Senate Health, Education, Labor, and Pensions Committee