



COALITION FOR A
DEMOCRATIC WORKPLACE

November 22, 2022

Roxanne L. Rothschild
Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570

Re: Notice of Proposed Rulemaking, Representation-Case Procedures: Election Bars; Proof of Majority Support in Construction Industry Collective-Bargaining Relationships; 87 FR 66890 (RIN: 3142-AA22)

Dear Ms. Rothschild:

The Coalition for a Democratic Workplace (“CDW”) requests the National Labor Relations Board (“NLRB” or “Board”) issue a 30-day extension to the comment period related to the above-referenced notice of proposed rulemaking on the Board’s representation-case procedures (“Proposed Rule” or “NPRM”). By providing this extension, the Board would ensure the regulated community has sufficient time to comment on the policies proposed within the NPRM regardless of the comment period spanning several major U.S. holidays.

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 longstanding effort by some in the labor movement to make radical changes to the National Labor Relations Act (“NLRA”) 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.

The current comment period, which ends on January 3, 2023, spans three major U.S. holidays (Thanksgiving, Christmas, and New Year’s Day), making submitting comments to the Board by the deadline extremely difficult for the regulated community. The holiday season is a difficult time of the year for many businesses, but certain industries, such as the retail, shipping/postal, and travel industries, are especially busy in November and December as they face a holiday rush.

Additionally, small businesses will have a difficult time complying with the current comment period. During the holiday season, they will likely be unable to devote time and resources to analyze the NPRM and provide insightful comments as to how their businesses and workforces may be impacted by the proposed changes. Moreover, the current economic environment will also hinder businesses’ ability to file comments; inflation is at historic levels, businesses are dealing with severe workforce shortages, and supply chain disruptions continue to hamper economic activity. Considering all of these factors, the Board should recognize that businesses nationwide, especially smaller entities, may not be able to redirect resources to draft comments by the current deadline.

In order for the Board to ensure the regulated community has sufficient opportunity to fully assess the Proposed Rule and develop meaningful comments for the Board to consider, CDW urges the NLRB to extend the comment period an additional 30 days.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Swearingen". The signature is written in a cursive, flowing style.

Kristen Swearingen
Chair
Coalition for a Democratic Workplace