September 19, 2011

Mr. Andrew R. Davis
Chief of the Division of Interpretations and Standards
Office of Labor-Management Standards
U.S. Department of Labor
200 Constitution Avenue, N.W., Room N-5609
Washington, DC 20210

Re: **Proposed Rule: "Labor-Management Reporting and Disclosure Act; Interpretation of the 'Advice' Exemption," RIN Nos. 1215-AB79 and 1245-AA03**

Dear Mr. Davis:

LeadingAge, formerly the American Association of Homes and Services for the Aging (AAHSA), thanks the Department of Labor ("DOL") for the opportunity to comment on the Proposed Rule: "Labor-Management Reporting and Disclosure Act; Interpretation of the 'Advice' Exemption," RIN Nos. 1215-AB79 and 1245-AA03 (the "Proposed Rule").

The members of LeadingAge (www.LeadingAge.org) serve as many as two million people every day through mission-driven, not-for-profit organizations dedicated to expanding the world of possibilities for aging. Our 5,700 members, many of which have served their communities for generations, offer the continuum of aging services: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities and nursing homes. Together, we advance policies, promote practices and conduct research that supports, enables and empowers people to live fully as they age. LeadingAge's commitment is to create the future of aging services through quality people can trust.

LeadingAge is mindful of the thousands of comments that DOL will receive to this Proposed Rule and submits the succinct comments below. We are happy to discuss any questions that DOL may have in response to our comments.

The dramatic changes to the "advice" exemption contained in the Labor-Management Reporting and Disclosure Act of 1959 (the "LMRDA") would essentially render the exemption meaningless in practice. For years, the "advice" exemption excluded from disclosure under the LMRDA those arrangements where a law firm or other labor consultant provides materials to employers that the employer is free to use, not use, or use in modified form in the employer's communications with employees. As long as

there was no direct contact between the consultant and the employees, the arrangement was not required to be disclosed. The proposed rule, however, would greatly expand the types of activities that employers and consultants would need to disclose and thus would create a significant obstacle for employers seeking to obtain legal or other advice during a union organizing campaign. Rather than undertake the time and expense involved in completing the disclosures, employers, especially small businesses, are likely to try and go it alone and thus will be much more likely to inadvertently violate the very complicated laws and legal precedents established under the National Labor Relations Act. It is in the best interest of employers, their employees--and even unions--that everyone involved has accurate information and that the entire process is completed in accordance with applicable law. The reinterpretation of the "advice" exemption runs contrary to that objective. Accordingly, LeadingAge respectfully requests that DOL withdraw the Proposed Rule.

Respectfully submitted,

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Director, Legal Affairs

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