

September 21, 2011

United States Department of Labor
Washington, DC

RE: Comment on "Persuader" Rule Advice Exception

I think it is absolutely essential that the Department of Labor ("DOL") revise the rule that employer consultants and lawyers report so-called "persuader" activity that was previously considered "advice." I also believe it is essential that the DOL upgrade its enforcement of the requirement that consultants report direct "persuader" activity generally.

I worked as a Union organizer from 1997 until 2007 when I was elected Treasurer of Local 150. Throughout that time I have participated in hundreds of organizing campaigns involving thousands of employees. In my experience, the use of "union busting" consultants and lawyers is common. More important the current rules are ineffective to protect employee free choice rights.

My best example of this is Local 150's campaign to organize the employees of Brandt Construction in the Quad Cities area of Illinois and Iowa. Since about 1997, the Company would conduct mandatory meetings with the union busting consultant on an annual basis. This particular consultant would come in and talk to groups of Brandt employees on company time. He would show them videos, distribute handouts, and explain generally why the Union was bad for them. These handouts were clearly prepared by the consultant, usually contained false or grossly misleading information about the Union and how it treated its members. They also employed various scare tactics designed to and which had the effect of intimidating employees and making them afraid of the Union which I believe were clearly baseless.

In 1999, I filed a complaint on behalf of Local 150 with the DOL about Brandt and this particular consultant. My experience with the handling of that complaint was very disheartening. The DOL investigator, although sincere, basically told me that the complaint was going nowhere because of weaknesses in the regulations and a feeling of powerlessness by the agency. Ultimately nothing did happen and the Company has remained non-union.

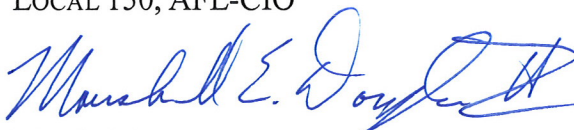
I am convinced that aggressive enforcement of the "persuader" rule reporting requirements requiring consultants and their lawyers to report activity that has been considered exempt, and giving the DOL the tools and resources necessary to do its job is the only way to protect employee rights to organize from these vicious predators.

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Thank you for your consideration of these comments.

Very truly yours,

INTERNATIONAL UNION OF OPERATING ENGINEERS,
LOCAL 150, AFL-CIO

A handwritten signature in blue ink, appearing to read "Marshall E. Douglas", with a stylized flourish at the end.

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