

INTERNATIONAL UNION OF OPERATING ENGINEERS

LOCAL UNION NO. 150, 150B, 150A, 150C, 150RA, 150D, 150G, 150M

AFFILIATED WITH THE A.F.L.-C.I.O. AND BUILDING TRADES DEPARTMENT

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September 21, 2011

United States Department of Labor
Washington, DC

RE: Comment on "Persuader" Rule Advice Exception

Please accept this comment in support of the Department of Labor's ("DOL") proposed rule that Union busting consultants and lawyers be required to file reports of their "persuader" activity that was previously considered "advice." It is also essential that the DOL improve its enforcement of the reporting requirement of direct "persuader" activity.

I have worked as a Union organizer since 1996. Throughout that time I have participated in hundreds of organizing campaigns involving thousands of employees. Since 2001, I have been primarily responsible for the Local 150 campaign to organize construction materials testers/drillers. I think the most obvious example of why the DOL should require employers, their consultants and attorneys to report their anti-union activity came from that industry campaign.

Early on one particular law firm appeared as a representative of several of the largest employers engaged in this construction materials testing/drilling industry. Over several years time we received reports that this firm and in particular one of its partners was especially aggressive in taking its anti-union message directly to employees. That firm's anti-union campaign commonly involved face-to-face and group meetings with employees where literature was distributed which clearly did not come from the company itself. We saw many documents repeatedly resurface on behalf of different companies that I believe could only have come from this law firm.

Especially disturbing was one incident in which a lawyer from this firm went to job sites at which other Local 150 represented employees were working. Somehow she had obtained a Local 150 jacket – black with gold trim and the Union's logo on the back – and approached various Union members. She held herself out as a Local 150 member and proceeded to question people about how they responded to various of Local 150 organizing tactics.

It is my opinion that there is no place for this type of activity in the United State of America. As a Union organizer I am required to convince employees that I can help them and their families lead better lives based upon the quality of my representation as demonstrated by my track record. I am happy to let those facts speak for themselves.

The Union is required to disclose what it spends on organizing activity to all of its members. I think it is only fair that employers be held to a same standard. I don't think letting them engage

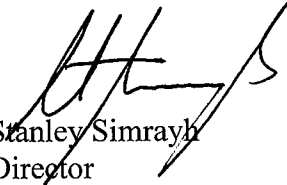
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in the kind of trickery I've seen is fair and I hope that the DOL adopts this Rule in an effort to make it stop.

Thank you for your consideration of these comments.

Very truly yours,

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



Stanley Simrayh
Director