

# 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

I write this letter to support the efforts by the U.S. Department of Labor to strengthen the reporting and disclosure requirements on Union busting consultants and anti-union management lawyers by limiting what I understand is called the "Advice" exception. Compared to the reporting and disclosure rules established by federal law requiring labor organizations to file reports with the government on nearly every aspect of our operations, the requirements imposed upon employers and their hired-gun consultants are woefully inadequate. I also urge the U.S. Department of Labor to seriously step up its efforts to police direct persuader activity by requiring consultants and lawyers to report it.

In 1987, I became the first organizer for International Union of Operating Engineers, Local 150, AFL-CIO. I worked in that capacity until 2001 when I became the Union's Vice-President. Since 2008, I have served as the Union's President Business-Manager. The Union's organizing program remains under my direction. Throughout that time I have participated in hundreds of organizing campaigns involving thousands of employees.

In my experience, it is all too common for employers to hire consultants and/or management labor attorneys to run their counter organizing campaigns. These consultants and lawyers market their services as including direct contact with employees in captive audience and one-on-one meetings; preparation and distribution of written propaganda; and presentation of videotapes and DVDs which dramatically present an anti-union message. In some extreme cases, I have seen consultants and lawyers bring in existing non AFL-CIO unions or create their own employee associations to serve as barriers to our own campaigns.

I believe disclosure of these activities is essential to creating a level playing field for Unions seeking to present the benefits of unionism to employees. With such disclosures I would alert the employees in any given unit to the past activities of such consultants and lawyers in order to prepare them for these misleading and frequently dishonest tactics. Once I know how much the consultants charge employers, I would explain to employees that the money spent by the employer on its anti-union campaign would be better spent on whatever economic increases the Union would seek to obtain for employees in bargaining.

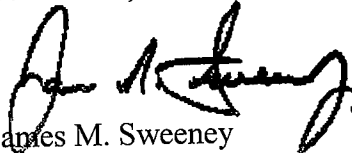
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Employers routinely run roughshod over the organizing rights of employees; most frequently they are encouraged and facilitated by these consultants and attorneys. Fundamental fairness requires that such people be required to report and disclose their actions.

Thank you for your consideration of my comment.

Very truly yours,

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

A handwritten signature in black ink, appearing to read "James M. Sweeney". The signature is stylized with a large, looped initial "J" and a long, sweeping underline.

James M. Sweeney  
President Business-Manager