

# 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

To Whom it May Concern:

I write this letter in support of the Department of Labor's ("DOL") proposed 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 improve its enforcement of the requirement that consultants be required to report direct "persuader" activity.

I have worked as a Union organizer since 1989. Thereafter, since 2005, I have served as Local 150's Financial Secretary. My responsibilities continue to include oversight of the Union's organizing activities in Indiana. I have travelled all over the United States on campaigns which included railroad wrecking and construction industry employees. I have participated in hundreds of organizing campaigns involving thousands of employees.

Throughout that experience, I have encountered consultants and attorneys who routinely meet with employees on Company property and work time to try and convince them to vote against the Union. I routinely see such people distribute anti-union propaganda that could not have been written by the employer itself. These materials commonly show a level of sophistication about labor law and information about Local 150 that is beyond the ability of most employers.

Needless to say, the heart of the NLRB Act, Section 7, gives employee(s) the lawful right to engage in concerted, protected activity, and employee(s) free choice. If the heart of the Act is Section 7, full disclosure gives the employee(s) full knowledge. Whereas Unions have been required for years to file forms that give employees full information, many consultants have not been held to the same level of full disclosure. Without full disclosure by all parties, you cannot have free choice; and free choice goes to the heart of Section 7. Therefore, I encourage full disclosure by all parties that will enhance Section 7 rights of employee(s).

I understand that employers have a right to express their own opinions to their employees. I recognize that many employers will hire attorneys and consultants to assist them in anti-union campaigns. I believe individual employees have a right to know when such professional consultants are brought in, and how much they are paid to deliver their message.

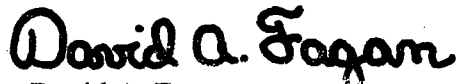
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I am convinced that enforcement of the "persuader" rule reporting requirements -- including those activities that used to be exempt as "advice" -- is only fair to American workers. Employees should be entitled to evaluate the consultant's message with knowledge that such message is bought and paid for.

Thank you for your consideration of these comments.

Very truly yours,

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

A handwritten signature in black ink that reads "David A. Fagan". The signature is written in a cursive, slightly stylized font.

David A. Fagan  
Financial Secretary