

Chairman Allen,

For the record, below are my responses to the supplemental questions following my testimony before the Subcommittee on Health, Employment, Labor, and Pensions at the June 11, 2025 hearing titled “Restoring Balance: Ensuring Fairness and Transparency at the NLRB.”

Representative Mark Takano (D-CA)

Question(s) for Witness Jennifer Abruzzo

1. On February 18, the Trump Administration issued an Executive Order that mandates the NLRB submit any new regulations to the Director of the Office of Management and Budget for review. It also allows for OMB to control NLRB’s apportionment to “advance the President’s policies and priorities,” and requires the NLRB to staff a White House Liaison in their office. In other words, the White House has a huge role in the oversight and operations of the NLRB.

a. What impact do you think this dynamic will have when the NLRB’s General Counsel is looking to prosecute a large Trump campaign donor over union busting? Why?

Section 1 of the NLRA establishes the policy of the United States to encourage collective bargaining and protect workers’ freedom of association to minimize industrial instability caused by unequal bargaining power at the workplace. This pro-worker statute was enacted to level the playing field and give workers the rights to organize, collectively bargain, and act concertedly for mutual aid or protection to improve their wages and working conditions.

Congress’s intent when enacting the NLRA and establishing the NLRB was to have an independent federal agency comprised of subject matter expert decision-makers, free from political influence. The current agency decision-makers, including the General Counsel, are under constant threat of removal should the President be displeased by a decision made, such as one addressing whether a corporate billionaire donor has violated the law.

Thus, one can expect that Trump-appointed NLRB decision-makers, including the General Counsel, will elevate corporate interests above workers’ rights, contrary to their Congressional mandate in enforcing a pro-worker statute. As an example, on February 6, 2026, an NLRB Regional Director, who is overseen by the General Counsel, dismissed a Space X case for lack of jurisdiction two years after a complaint issued during the Biden administration alleging the unlawful firing of eight employees. The ones most detrimentally

affected by the failure to fully protect the rights afforded under the NLRA are workers, families and communities.

b. What does a future of politicized labor law enforcement look like?

As noted above, we are already seeing the effects of politicized labor law enforcement in the present. See, also, for example, a letter to AG Pam Bondi where those regulated lobbied the Trump Administration to direct the NLRB's actions. E.g.

https://myprivateballot.com/wp-content/uploads/2025/04/CDW-letter-to-AG-Bondi_EO14215_Apr-2025.pdf.

That is why it is more important than ever that Congress strengthens the current NLRA to ensure that more workers feel empowered to exercise their rights free from intimidation and retaliation by holding more violators of those rights accountable through robust enforcement and strong penalties that deter bad behavior. New and improved federal legislation should not preempt state action but should be a floor from which states cannot go below when using police powers to protect their citizens' freedoms of speech, assembly and association and their rights to organize, collectively bargain, and act together to improve their circumstances.

Representative Donald Norcross (D-NJ)

Question for Jennifer Abruzzo

1. As you know, the right of workers to form a union and collectively bargain is central to improving wages, hours, working conditions, and more. Unfortunately, when workers vote to form a union, they don't immediately reap the benefits of collective bargaining. Instead, they need to obtain first contract with management who, because the law currently doesn't impose a negotiation deadline, often stall, delay, and drag out negotiations. For example, Starbucks workers in Buffalo, NY first voted to unionize in December 2021. Since then, more than 12,000 Starbucks workers at over 500 stores around the country have voted to unionize. More than 3 years later, they are still waiting on their first contract. In fact, according to Bloomberg Law, it takes an average of 458 days for unions and employers to agree on a first contract. This hurts workers who, despite exercising their right to bargain collectively, are prevented from doing so by employers who enjoy the benefits of the status quo.

a. How would a bill like the Faster Labor Contracts Act, which imposes negotiation deadlines during the process of securing the first union contract, support workers?

Based on my experience at the NLRB, organizing drives themselves are fraught with employer-created obstacles interfering with workers' right to freely choose whether to be

unionized. And, even after a successful effort where workers have chosen a union to be their representative in negotiating a collective bargaining agreement that will inure to their benefit, too often employers either completely refuse to bargain with the chosen union, or they come to the bargaining table, but stall negotiations or engage in bad faith, in order to undermine union support and avoid paying increased wages and benefits. Because of this abuse of processes, it typically takes much more than a year for the parties to reach a collective bargaining agreement, if one is reached at all.

While there is much more to be done, through legislation, enforcement, and otherwise, to address employer conduct that continues to substantially violate workers' rights to act together, organize, and collectively bargain, the Faster Labor Contracts Act's imposed requirements for first contract negotiations would require employers to come to the bargaining table with employee-chosen unions immediately, and, if the parties cannot reach agreement on their own in short order, then mediation and potentially arbitration would follow, with the ultimate result being that workers and their families would much more quickly enjoy improved negotiated wages and benefits. These increases would, among many other things, enable them to feed and clothe their families, put roofs over their heads, and allow for educational opportunities, as well as would help the broader economy through more robust consumerism.

Sincerely,

Jennifer Abruzzo

March 12, 2026