

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

Re: Representation – Case Procedures: Election Bars;
Proof of Majority Support in Construction Industry
Collective-Bargaining Relationships

RIN 3142-AA22

AFL-CIO’S MOTION TO EXTEND COMMENT PERIOD

The American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) hereby moves for a 30-day extension of time for interested parties to file comments in response to the Board’s November 4, 2022, Notice of Proposed Rule Making (NPRM) concerning “Representation – Case Procedures: Election Bars; Proof of Majority Support in Construction Industry Collective-Bargaining Relationships.” 87 Fed. Reg. 66,890 (Nov. 4, 2022). In support of the motion the AFL-CIO states:

The AFL-CIO intends to file comments on the proposed rule. The AFL-CIO filed comments on the rule that the NPRM proposes to rescind, 85 Fed. Reg. 18,366 (April 1, 2020). The AFL-CIO, together with North America’s Building Trades Unions, also filed a petition seeking rulemaking on this subject prior to the issuance of the pending NPRM.

The AFL-CIO requests an additional 30 days to files it comments because:

The AFL-CIO legal department has the following commitments between now and the current filing deadline in this rulemaking proceeding: December 7, 2022, file comments on NLRB, NPRM on Standard for Determining Joint-Employer Status, 87 Fed. Reg. 54,641 (Sept. 7, 2022); December 8, 2022, file amicus brief in *Glacier Northwest, Inc. v. Teamsters Local Union No. 174*, No. 21-1449 (U.S. Supreme Court); December 13, 2022, file comments on Department of Labor, Wage and Hour Division, NPRM on Employee or Independent Contractor Classification Under the Fair Labor Standards Act, 87 Fed. Reg. 62,218 (Oct. 13, 2022);

December 16, 2022, file amicus brief in *The Ohio Adjutant General' Dep't v. FLRA*, No. 21-1454 (U.S. Supreme Court); week prior to January 9, 2023, assist with argument preparation in *Ohio Adjutant General*; week prior to January 10, 2023, assist with argument preparation in *Glacier Northwest*.

The current comment period includes the Thanksgiving, winter and New Year holidays.

One member of the AFL-CIO Legal Department who has been assisting with this matter will be on parental leave beginning in late November 2022 and continuing for the duration of the current comment period.

In anticipation of the NPRM, the AFL-CIO made a Freedom of Information Act request of the NLRB on July 7, 2022, seeking data on blocking charges. The Board provided the requested data on October 20, 2022. The AFL-CIO requires additional time to analyze this data in order to provide the most meaningful comment to the Board.

For all of those reason, the AFL-CIO will not be able to prepare comments that provide the most helpful input possible to the Board by the current deadline.

Therefore, the AFL-CIO requests that the Board extend the comment period for 30 days, up to and including February 2, 2023.

Respectfully submitted,

/s/ Craig Becker
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