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May 6, 2019

The Honorable John Ring
Chairman
National Labor Relations Board
1015 Half Street, S.E.
Washington, D.C. 20570

Dear Chairman Ring:

We write to follow up on briefings you and the Designated Agency Ethics Official (DAEO) provided Committee staff on October 31 and December 19, 2018, respectively. We appreciate your expressed support for agency transparency.

In order for the Committee on Education and Labor to better understand how the National Labor Relations Board's (Board) implements its ethics and conflicts of interest policies, we ask that you provide us with the following information and documents:

1. Any memoranda or other written guidance issued by the DAEO regarding a Board Member's potential conflict of interest, including those discussing recusal from any case or proposed rulemaking since August 10, 2017;
2. Any documents, communications, or records of requests for guidance from any Member of the Board to the DAEO concerning the appropriateness of such Member's participation in a particular matter or in the consideration of any proposed rulemaking;
3. For each Member of the Board, the most recently updated list of cases from which that Member is recused for any reason, including reasons related to the Member's previous representation of a party or the Member's former employer's representation of a party in that case;
4. For each Member of the Board, a list of clients that Member represented prior to the date of their appointment;

5. The Board's December 15, 2017 directive that the General Counsel request the United States Courts of Appeals remand *Browning-Ferris* and other cases back to the Board for reconsideration;¹
6. The Board's December 19, 2017, rescission of the Board's December 15, 2017 directive regarding *Browning-Ferris* and other cases;²
7. A list of all cases, by name and case number, in which any party submitted a request for a Member of the Board to recuse himself or herself since August 10, 2017. Please also provide a copy of the underlying motion seeking recusal that was filed in each case; and
8. Any communications between the Board (including any Member of the Board) and any individual working in the Office of Management and the Budget, the Department of Labor, or the White House (including the Domestic Policy Council) relating to adjudication or rulemaking on the Board's proposed joint employment standard, occurring between August 10, 2017 and the present.

Please submit the material responsive to this request by May 20, 2019.

We appreciate your attention to this matter. Should you have any questions, please contact Kyle deCant, Labor Policy Counsel for the Committee, at Kyle.deCant@mail.house.gov. Please direct all official correspondence to the Committee's Chief Clerk, Tylease Alli, at Tylease.Fitzgerald@mail.house.gov. Thank you for your attention, and I look forward to your response.



ROBERT C. "BOBBY" SCOTT
Chairman



FREDERICA S. WILSON
Chairwoman
Subcommittee on Health,
Employment, Labor, and Pensions

¹ Congress requested that Member Emanuel produce these documents on February 6, 2018, but this request remains unanswered.

² *Id.*