

Persuader Rule To Be Published

June 21, 2011

Constangy partner Mel Haas is Vice Chairman of the U.S. Chamber of Commerce's Labor Relations Committee. We are forwarding to you yesterday's communication so that you may be informed of the latest from the U.S. Department of Labor. As always, Constangy will keep you informed immediately as news hits. If you have questions or concerns, feel free to contact any Constangy attorney.

by: Michael J. Eastman, Executive Director, Labor Law Policy

U.S. Chamber of Commerce

TO: All Members of the U.S. Chamber's Labor Relations Committee and others concerned with the Labor Department's proposed persuader rule

The Labor Department intends to publish revisions to its "persuader" regulations tomorrow. The advanced copy is available here: http://www.ofr.gov/OFRUpload/OFRData/2011-14357_PI.pdf

While we are only in the initial stages of reviewing it, it is a huge reinterpretation of the law and it will force disclosure of many routine communications between companies and their lawyers. It will also require disclosure of certain fees paid to supervisors or employees "for the purpose of causing them to persuade other employees to exercise or not to exercise, or as to the manner of exercising, the right to organize and bargain collectively."

We will, of course, plan on submitting comments on the proposal, which will be due in 60 days.

We are also considering other options.

Stay tuned. We anticipate hosting a briefing on the NPRM in the near future.

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