

Congress of the United States

Washington, DC 20515

August 8, 2024

The Honorable Jennifer Abruzzo
General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

Dear General Counsel Abruzzo,

We commend you on the important work you have done as General Counsel of the National Labor Relations Board (NLRB). During your time at the NLRB, the Board has worked to undo damage to workers' rights wrought by the previous administration and fought to ensure the right to organize is protected for workers across the country. At a time when large, powerful companies have too often put profits ahead of workers' rights, the work you do could not be more important.

We write today to express our concerns with Amazon's Delivery Service Partner (DSP) program. As you are well aware, a group of delivery drivers and workers from Teamsters Local 396 in Palmdale, California has filed unfair labor practice charges against Amazon, alleging the company has not met its legal obligation to bargain with workers in good faith and has committed other egregious unfair labor practice, including terminating en masse its Amazon DSP employees in retaliation for their union and/or other protected concerted activities. We understand the NLRB is investigating these cases, including whether or not the relationship between Amazon and delivery drivers employed at this particular DSP contractor constitutes a joint-employer or single employer relationship and are glad to see the Board is taking this matter seriously.

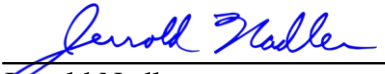
First-person accounts from these drivers about their experience working at an Amazon DSP are not only alarming, but also demonstrate that Amazon exercises substantial direct and immediate control over the essential terms and conditions of these employees. Driver accounts detail how Amazon dictates the delivery routes drivers take and prescribes the number of packages they must deliver on a given day. Workers have further explained that Amazon exercises direct hiring and firing authority over DSP employees, as well as disciplinary procedures. Specifically, Amazon dictates delivery quotas to DSPs directly, and instructs criteria for discipline to DSP for drivers who do not meet these quotas. Further, drivers must use Amazon's Flex app for all onboarding, offboarding, training, and work performance recording. Lastly, Amazon has the control to offboard drivers independent of DSP knowledge or consent. This control is exercised frequently, if not daily, and does not occur in isolated or sporadic instances. In addition, drivers use Amazon software, wear Amazon vests, and drive vehicles branded with Amazon logos when making their deliveries. Amazon provides DSP, and drivers by default, equipment including vans through Amazon provided and approved vendors. Amazon also provides guidance on payroll and operational functions that DSP executes.

June marked one year since the drivers at Amazon’s DSP Battle Tested Strategies filed their unfair labor practice charges, and we encourage the NLRB Region and Office of the General Counsel to reach a decision in these cases as soon as possible. A group of Amazon DSP drivers in Skokie, Illinois raised similar concerns after going on an unfair labor practice strike on June 26th of this year. These drivers allege that their efforts to organize have been met with retaliation, and that Amazon exercises control over the terms and conditions of their work as a joint employer or single employer, echoing the claims made by Palmdale Amazon DSP drivers last year. An expeditious determination of these cases has the potential to be a win for these and hundreds of thousands of Amazon workers and can also serve as an important signal to other companies hiding behind subcontractors that their actions will have consequences.

The NLRB plays a crucial role in ensuring that workers’ constitutional right to organize is protected and we thank you for your dedication to this work. We know you and your colleagues at the Board will continue holding employers to account and enforcing our nation’s labor laws on behalf of workers across the country.

We look forward to your continued attention to this important matter.

Sincerely,



Ferrol Nadler
Member of Congress



Christopher S. Murphy
United States Senator



Shri Thanedar
Member of Congress



Pramila Jayapal
Member of Congress



Sherrod Brown
United States Senator



Ro Khanna
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Barbara Lee
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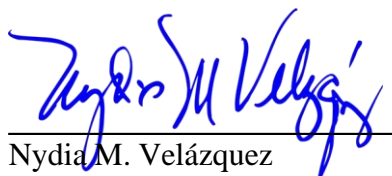
Jan Schakowsky
Member of Congress



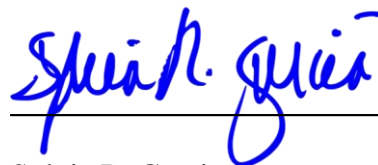
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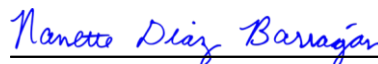
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Jesús G. "Chuy" García
Member of Congress



Raphael G. Butler
United States Senator



Nanette Diaz Barragán
Member of Congress



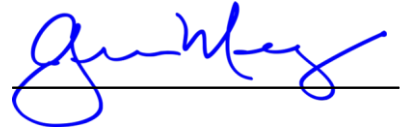
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Haley M. Stevens
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