



SPECIAL COMPLAINT AND REQUEST FOR INVESTIGATION

Please direct all correspondence to:

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LaborLab is contacting the Office of Labor-Management Standards (OLMS) at the U.S. Department of Labor (USDOL) to request an investigation into reportable activities under the Labor-Management Reporting and Disclosure Act (LMRDA). Specifically, we are urging OLMS to investigate potential reporting non-compliance by three individuals allegedly engaged in persuader activity in connection with a counter-organizing campaign conducted by Skyworks, LLC at its Decatur, Alabama location (93 Refreshment Pl, Decatur, AL 35601):

- a consultant known as "Nick" (last name not yet identified),
- a consultant known as "Keith" (last name not yet identified),
- and attorney Christopher McHale.

The targeted union is the International Union of Operating Engineers.

Workers at the Decatur location were scheduled to vote on ratification of a proposed first contract. Approximately two days before that vote, Skyworks, LLC convened a meeting of its Decatur employees. All three individuals participated in that meeting via video conference. According to people with direct knowledge of the meeting, each engaged in reportable persuader activity as described below.

Nick identified himself as a former union representative and union organizer who now works on the management side of labor relations. He was brought in by Skyworks, LLC specifically to speak to employees about the proposed contract. Nick made direct contact with employees for the purpose of persuading them to reject or undermine the proposed collective bargaining agreement. He presented substantive arguments about the health insurance provisions of the proposed contract designed to erode employee support for ratification, and demonstrated detailed familiarity with the negotiating sessions -- suggesting an ongoing consulting relationship with the employer in connection with this campaign.

Keith was brought in by Skyworks, LLC as an outside consultant and made direct contact with employees for the purpose of influencing them with respect to the proposed collective bargaining agreement. Keith's conduct went beyond general persuasion: he reportedly instructed workers to attend the ratification meeting as a group and take coordinated action to disrupt and delay the vote, directing them to demand a delay, refuse to proceed without additional documentation from the union, and otherwise prevent the vote from going forward. His alleged coordination of worker action to obstruct a lawful union ratification proceeding would make his conduct, if anything, a stronger Section 203(b) case than ordinary informational persuasion.

Christopher McHale served as the attorney who negotiated the proposed collective bargaining agreement on behalf of Skyworks, LLC. Despite that role, McHale appeared at the employer-convened employee meeting and advised workers to vote down the contract he had just negotiated. He allegedly coached workers on the mechanics of ratification votes, made

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representations about strike obligations under Alabama's right-to-work law designed to eliminate worker apprehension about casting a no vote, and urged workers to demand a delay in the ratification vote. He reportedly made arguments in front of the bargaining unit designed to erode worker confidence in the union and the proposed agreement.

The attorney exemption under LMRDA Section 203(b) does not cover the conduct described above. That exemption applies to attorneys giving or agreeing to give advice to an employer -- it does not extend to direct contact with employees for the purpose of persuading them with respect to their collective bargaining rights. McHale's alleged appearance before bargaining unit workers to advise them to reject the contract, delay the vote, and distrust their union would constitute direct employee contact for persuasion purposes, which is precisely the conduct Section 203(b) was designed to reach. We are also concerned about McHale's apparent dual role: he simultaneously negotiated the contract on behalf of Skyworks, LLC and participated in an employer-organized effort to convince workers to reject that same contract two days before the ratification vote. This combination raises serious questions about the good faith of the bargaining process that may warrant referral to the NLRB, and we flag it here for the agency's awareness.

LaborLab has reviewed publicly available OLMS disclosure records and found no LM-20 or LM-21 filings by Nick, Keith, or McHale in connection with Skyworks, LLC or its Decatur location. If any of these individuals entered into persuader agreements with Skyworks, LLC and failed to file the required disclosures, that would constitute a violation of Section 203(b) of the LMRDA. The LMRDA's disclosure requirements exist precisely for moments like this: to ensure that workers can evaluate the source and scope of employer-funded persuader activity before casting what may be one of the most consequential workplace votes of their lives.

Because Nick and Keith's last names have not yet been identified, we request that OLMS exercise its authority to obtain all consultant records directly from Skyworks, LLC.

We urge OLMS to investigate this matter with urgency and thank you for your attention to this important matter.