

## Hand It Over: D.C. Circuit Affirms NLRB Ruling On Data Request

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KLB Industries manufactures aluminum extrusions at its Bellefontaine, Ohio, facility. Since taking over the plant in 1997, KLB had signed three collective bargaining agreements with its 16-member union. On Sept. 20, 2007, 10 days before the third agreement expired, the parties began negotiating a fourth agreement.

During negotiations, KLB claimed that it was facing increased competition from Asian manufacturers, rising production costs, and decreased productivity. Based on these claims, KLB demanded substantial wage concessions. The union subsequently sought information about customers and pricing to support the company's claim that it was experiencing competitive pressures that required it to seek wage concessions. The National Labor Relations Board (NLRB) ultimately ordered the company to turn over this information.

Affirming the Board's ruling, the D.C. Circuit observed the "liberal discovery-type standard" the Board has applied to union requests for competitive data in this context. According to the Court, "[W]here, as here, an employer raises a competitiveness claim as its central justification for wage concessions, a union is entitled to information verifying that claim."

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The Court's decision can be [found here](#).