

113TH CONGRESS
1ST SESSION

H. R. 2346

To amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2013

Mr. ROE of Tennessee (for himself, Mr. KLINE, Mr. McKEON, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. THOMPSON of Pennsylvania, Mr. GUTHRIE, Mr. DESJARLAIS, Mr. ROKITA, Mr. BUCSHON, Mr. GOWDY, Mrs. ROBY, Mr. HECK of Nevada, Mr. HUDSON, Mr. DUNCAN of Tennessee, Mr. KING of Iowa, Mr. STUTZMAN, Mr. FINCHER, Mr. GRIFFIN of Arkansas, and Mr. LONG) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the National Labor Relations Act to ensure the right of employees to a secret ballot election conducted by the National Labor Relations Board.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Secret Ballot Protec-
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the importance of a secret ballot election
2 has been recognized by the United States for over
3 100 years;

4 (2) the fundamental democratic right to choose
5 by secret ballot is the only method that ensures a
6 choice free of coercion, intimidation, irregularity, or
7 illegality;

8 (3) the recognition of a labor organization by
9 way of a private agreement, rather than a secret bal-
10 lot election supervised by a neutral third party,
11 threatens an employee's right, codified in the Na-
12 tional Labor Relations Act, to choose whether or not
13 to be represented by a labor organization; and

14 (4) preserving workers' right to choose whether
15 or not to be represented by a labor organization
16 through a secret ballot election is important to the
17 strength of the national economy.

18 **SEC. 3. NATIONAL LABOR RELATIONS ACT.**

19 (a) RECOGNITION OF REPRESENTATIVE.—

20 (1) IN GENERAL.—Section 8(a)(2) of the Na-
21 tional Labor Relations Act (29 U.S.C. 158(a)(2)) is
22 amended by inserting before the colon the following:
23 “or to recognize or bargain collectively with a labor
24 organization that has not been selected by a major-
25 ity of employees in a unit appropriate for such pur-

1 poses in a secret ballot election conducted by the
2 Board in accordance with section 9”.

3 (2) APPLICATION.—The amendment made by
4 paragraph (1) shall not apply to collective bar-
5 gaining relationships that were recognized before the
6 date of enactment of this Act.

7 (b) ELECTION REQUIRED.—

8 (1) IN GENERAL.—Section 8(b) of the National
9 Labor Relations Act (29 U.S.C. 158(b)), as amend-
10 ed by subsection (c) of this section, is amended—

11 (A) by striking “and” at the end of para-
12 graph (6);

13 (B) by striking the period at the end of
14 paragraph (7) and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(8) to cause or attempt to cause an employer
17 to recognize or bargain collectively with a represent-
18 ative of a labor organization that has not been se-
19 lected by a majority of employees in a unit appro-
20 priate for such purposes in a secret ballot election
21 conducted by the Board in accordance with section
22 9.”.

23 (2) APPLICATION.—The amendment made by
24 paragraph (1) shall not apply to collective bar-

1 gaining relationships that were recognized before the
2 date of enactment of this Act.

3 (c) SECRET BALLOT ELECTION REQUIRED.—

4 (1) DESIGNATION OF REPRESENTATIVE BY SE-
5 CRET BALLOT.—Section 9(a) of the National Labor
6 Relations Act (29 U.S.C. 159(a)), is amended—

7 (A) by inserting “(1)” after “(a)”; and

8 (B) by inserting after “designated or se-
9 lected” the following: “by a secret ballot elec-
10 tion conducted by the Board in accordance with
11 this section”.

12 (2) DECERTIFICATION.—Such section is further
13 amended by adding at the end the following:

14 “(2) The Board shall conduct a secret ballot
15 election to determine whether a labor organization
16 certified or recognized by an employer as the rep-
17 resentative for the purposes of collective bargaining
18 is no longer the representative of a unit as defined
19 in paragraph (1).”.

20 (3) APPLICATION.—The amendment made by
21 paragraph (1) shall not apply to collective bar-
22 gaining relationships that were recognized before the
23 date of enactment of this Act.

24 (d) CONFORMING AMENDMENTS.—Section 9(c)(1) of
25 such Act (29 U.S.C. 159(c)(1)) is amended—

1 (1) in subparagraph (A)—

2 (A) in clause (i), by striking “and that
3 their employer declines to recognize their rep-
4 resentative as the representative defined in sec-
5 tion 9(a)” and inserting “by a representative”;
6 and

7 (B) in clause (ii), by striking “section
8 9(a);” and inserting “subsection (a),”; and

9 (2) in subparagraph (B), by striking “alleging”
10 and all that follows through “defined in section
11 9(a)”.

12 **SEC. 4. REGULATIONS.**

13 Not later than 6 months after the date of enactment
14 of this Act, the National Labor Relations Board shall re-
15 view and revise all regulations promulgated before such
16 date to implement the amendments made in this Act to
17 the National Labor Relations Act.

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