

113TH CONGRESS
1ST SESSION

H. R. 1815

To protect workers from the corrupt and coercive “Card Check” system
of organizing labor unions.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. STOCKMAN introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To protect workers from the corrupt and coercive “Card
Check” system of organizing labor unions.

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 “Union Coercion Pre-
5 vention Act”.

6 **SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELA-**
7 **TIONS ACT.**

8 (a) UNFAIR LABOR PRACTICES.—Section 8(b)(1) of
9 the National Labor Relations Act (29 U.S.C. 158(b)(1))

1 is amended by inserting “interfere with” before “re-
2 strain”.

3 (b) REPRESENTATIVES AND ELECTIONS.—Section 9
4 of the National Labor Relations Act (29 U.S.C. 159) is
5 amended—

6 (1) in subsection (a)—

7 (A) by striking “designated or selected for
8 the purposes of collective bargaining” and in-
9 serting “for the purposes of collective bar-
10 gaining selected by secret ballot in an election
11 conducted by the Board,”; and

12 (B) by inserting before the period the fol-
13 lowing: “: *Provided further*, That, for purposes
14 of determining the majority of the employees in
15 a secret ballot election in a unit, the term ‘ma-
16 jority’ shall mean the majority of all the em-
17 ployees in the unit, and not the majority of em-
18 ployees voting in the election”.

19 (c) FAIR REPRESENTATION IN ELECTIONS.—Section
20 9 of the National Labor Relations Act (29 U.S.C. 159)
21 is amended—

22 (1) in subsection (b), by inserting “prior to an
23 election” after “in each case”; and

24 (2) in subsection (c)—

1 (A) in the flush matter following para-
2 graph (1)(B)—

3 (i) by inserting “of 14 days in ad-
4 vance” after “appropriate hearing upon
5 due notice”;

6 (ii) by inserting “, and a review of
7 post-hearing appeals,” after “the record of
8 such hearing”; and

9 (iii) by adding at the end the fol-
10 lowing: “No election shall be conducted
11 less than 40 calendar days following the
12 filing of an election petition. The employer
13 shall provide the Board a list of employee
14 names and home addresses of all eligible
15 voters within 7 days following the Board’s
16 determination of the appropriate unit or
17 following any agreement between the em-
18 ployer and the labor organization regard-
19 ing the eligible voters.”; and

20 (B) by adding at the end the following:

21 “(6)(A) No election shall take place after the filing
22 of any petition unless and until—

23 “(i) a hearing is conducted before a qualified
24 hearing officer in accordance with due process on
25 any and all material, factual issues regarding juris-

1 diction, statutory coverage, appropriate unit, unit in-
2 clusion or exclusion, or eligibility of individuals; and

3 “(ii) the issues are resolved by a Regional Di-
4 rector, subject to appeal and review, or by the
5 Board.

6 “(B) No election results shall be final and no labor
7 organization shall be certified as the bargaining represent-
8 ative of the employees in an appropriate unit unless and
9 until the Board has ruled on—

10 “(i) each pre-election issue not resolved before
11 the election; and

12 “(ii) the Board conducts a hearing in accord-
13 ance with due process and resolves each issue per-
14 taining to the conduct or results of the election.”.

15 (d) PENALTIES.—Section 10 of the National Labor
16 Relations Act (29 U.S.C. 160) is amended by inserting
17 after the second sentence following the second proviso, the
18 following: “Any labor organization found to have inter-
19 fered with, restrained, or coerced employees in the exercise
20 of their rights under section 7 to form or join a labor orga-
21 nization or to refrain therefrom, including the filing of a
22 decertification petition, shall be liable for wages lost and
23 union dues or fees collected unlawfully, if any, and an ad-
24 ditional amount as liquidated damages. Any labor organi-
25 zation found to have interfered with, restrained, or coerced

1 an employee in connection with the filing of a decertifica-
2 tion petition shall be prohibited from filing objections to
3 an election held pursuant to such petition.”.

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