

113TH CONGRESS
1ST SESSION

H. R. 2347

To amend the National Labor Relations Act with respect to the criteria for determining employee units appropriate for the purposes of collective bargaining.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2013

Mr. PRICE of Georgia (for himself, Mr. KLINE, Mr. McKEON, Mr. WILSON of South Carolina, Mr. MARCHANT, Mr. ROE of Tennessee, Mr. GUTHRIE, Mr. DESJARLAIS, Mr. ROKITA, Mr. BUCSHON, Mr. GOWDY, Mrs. ROBY, Mr. HECK of Nevada, Mr. BACHUS, Mr. WESTMORELAND, 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 with respect to the criteria for determining employee units appropriate for the purposes of collective bargaining.

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 “Representation Fair-
5 ness Restoration Act”.

1 **SEC. 2. DETERMINATION OF APPROPRIATE UNITS FOR**
2 **COLLECTIVE BARGAINING.**

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

5 (1) by redesignating paragraphs (1) through
6 (3) as subparagraphs (A) through (C);

7 (2) by striking “The Board shall decide” and
8 all that follows through “or subdivision thereof:”
9 and inserting the following: “(1) In each case, prior
10 to an election, the Board shall determine, in order
11 to assure to employees the fullest freedom in exer-
12 cising the rights guaranteed by this Act, the unit ap-
13 propriate for the purposes of collective bargaining.
14 Unless otherwise stated in this Act, and excluding
15 any bargaining unit determination promulgated
16 through rulemaking before August 26, 2011, the
17 unit appropriate for purposes of collective bargaining
18 shall consist of employees that share a sufficient
19 community of interest. In determining whether em-
20 ployees share a sufficient community of interest, the
21 Board shall consider—

22 “(A) similarity of wages, benefits, and
23 working conditions;

24 “(B) similarity of skills and training;

25 “(C) centrality of management and com-
26 mon supervision;

1 “(D) extent of interchange and frequency
2 of contact between employees;

3 “(E) integration of the work flow and
4 interrelationship of the production process;

5 “(F) the consistency of the unit with the
6 employer’s organizational structure;

7 “(G) similarity of job functions and work;
8 and

9 “(H) the bargaining history in the par-
10 ticular unit and the industry.

11 To avoid the proliferation or fragmentation of bar-
12 gaining units, employees shall not be excluded from
13 the unit unless the interests of the group seeking a
14 separate unit are sufficiently distinct from those of
15 other employees to warrant the establishment of a
16 separate unit. Whether additional employees should
17 be included in a proposed unit shall be determined
18 based on whether such additional employees and
19 proposed unit members share a sufficient community
20 of interest, with the sole exception of proposed accre-
21 tions to an existing unit, in which the inclusion of
22 additional employees shall be based on whether such
23 additional employees and existing unit members
24 share an overwhelming community of interest and

1 the additional employees have little or no separate
2 identity.”; and

3 (3) by striking “*Provided, That the Board*” and
4 inserting the following:
5 “(2) The Board”.

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