

113TH CONGRESS
2D SESSION

H. R. 4320

To amend the National Labor Relations Act with respect to the timing of elections and pre-election hearings and the identification of pre-election issues.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Mr. KLINE (for himself, Mr. McKEON, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. HUNTER, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. WALBERG, Mr. SALMON, Mr. DESJARLAIS, Mr. ROKITA, Mr. BUCSHON, Mr. GOWDY, Mrs. BROOKS of Indiana, Mr. HUDSON, Mr. MESSER, Mr. GINGREY of Georgia, Mr. KELLY of Pennsylvania, Mr. RIBBLE, and Mr. SCHWEIKERT) 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 timing of elections and pre-election hearings and the identification of pre-election issues.

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 “Workforce Democracy
5 and Fairness Act”.

1 **SEC. 2. PRE-ELECTION HEARINGS.**

2 Section 9(c)(1)(B) of the National Labor Relations
3 Act (29 U.S.C. 159(c)(1)(B)) is amended—

4 (1) by inserting “, but in no circumstances less
5 than 14 calendar days after the filing of the peti-
6 tion” after “upon due notice”;

7 (2) by inserting after “with respect thereto.”
8 the following: “An appropriate hearing shall be one
9 that is non-adversarial with the hearing officer
10 charged, in collaboration with the parties, with the
11 responsibility of identifying any relevant and mate-
12 rial pre-election issues and thereafter making a full
13 record thereon. Relevant and material pre-election
14 issues shall include, in addition to unit appropriate-
15 ness, the Board’s jurisdiction and any other issue
16 the resolution of which may make an election unnec-
17 essary or which may reasonably be expected to im-
18 pact the outcome of the election. Parties may inde-
19 pendently raise any relevant and material pre-elec-
20 tion issue or assert any relevant and material posi-
21 tion at any time prior to the close of the hearing.”;
22 and

23 (3) by striking “and shall certify the results
24 thereof” and inserting “to be conducted as soon as
25 practicable but no earlier than 35 calendar days
26 after the filing of an election petition. The Board

1 shall certify the results of the election after it has
2 ruled on each pre-election issue not resolved before
3 the election and any additional issue pertaining to
4 the conduct or results of the election”.

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