

115TH CONGRESS
2D SESSION

H. R. 6544

To provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization and their right to refrain from paying dues or fees to a labor organization for nonrepresentational activity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2018

Mr. ROE of Tennessee (for himself, Mr. WILSON of South Carolina, Mr. ROKITA, Mr. SMUCKER, Mr. FRANCIS ROONEY of Florida, Mr. BYRNE, Mr. MESSER, and Mr. BANKS of Indiana) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide protections for workers with respect to their right to select or refrain from selecting representation by a labor organization and their right to refrain from paying dues or fees to a labor organization for nonrepresentational activity, and for other purposes.

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 “The Employee Rights
5 Act of 2018”.

1 **SEC. 2. REPRESENTATIVES AND ELECTIONS.**

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

4 (1) in subsection (a)—

5 (A) by striking the period at the end and
6 inserting a colon; and

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

8 “*Provided further*, That representatives shall be
9 designated or selected through a secret ballot in
10 an election conducted by the Board.”; and

11 (2) in subsection (e), by adding at the end the
12 following:

13 “(3)(A) PETITION FOR RECERTIFICATION ELEC-
14 TIONS.—An employer of employees within a certified bar-
15 gaining unit (including a voluntarily recognized bargaining
16 unit) covered by an agreement between such employer and
17 a labor organization may petition the Board for a recertifi-
18 cation election with respect to such labor organization if
19 such employer asserts that turnover, expansion, or alter-
20 ation by merger exceeds 50 percent of the bargaining unit.

21 “(B) APPROVAL.—If the Board finds that, with re-
22 spect to a petition under subparagraph (A), turnover, ex-
23 pansion, or alteration by merger exceeds 50 percent of the
24 bargaining unit, the Board shall hold a recertification elec-
25 tion by members of the bargaining unit through a secret
26 paper ballot not later than 30 days after the date of such

1 finding. If a majority of the votes cast in a valid recertifi-
2 cation election reject the representation by the labor orga-
3 nization—

4 “(i) the Board shall withdraw the certification
5 of such labor organization with respect to such em-
6 ployer;

7 “(ii) the labor organization shall cease represen-
8 tation of employees in such bargaining unit; and

9 “(iii) any pending obligations to, or on behalf
10 of, the labor organization in a collectively bargained
11 contract between such employer and such labor or-
12 ganization shall terminate on the date that is 30
13 days after the date on which the recertification elec-
14 tion is held.

15 “(C) REQUIREMENTS.—Such election shall be con-
16 ducted without regard to the pendency of any unfair labor
17 practice charge against the employer or the labor organi-
18 zation representing the employees, and the Board shall
19 rule on any objections to the election pursuant to its estab-
20 lished time frames for resolving such matters.”.

21 **SEC. 3. RIGHT NOT TO SUBSIDIZE UNION NON-**
22 **REPRESENTATIONAL ACTIVITIES.**

23 Title I of the Labor-Management Reporting and Dis-
24 closure Act of 1959 (29 U.S.C. 411 et seq.) is amended
25 by adding at the end the following:

1 **“SEC. 106. RIGHT NOT TO SUBSIDIZE UNION NON-**
2 **REPRESENTATIONAL ACTIVITIES.**

3 “No employee’s union dues, fees, or assessments or
4 other contributions shall be used or contributed to any
5 person, organization, or entity for any purpose not directly
6 related to the labor organization’s collective bargaining or
7 contract administration functions on behalf of the rep-
8 resented unit employee unless the employee member, or
9 nonmember required to make such payments as a condi-
10 tion of employment, authorizes such expenditure in writ-
11 ing, after a notice period of not less than 35 days. An
12 initial authorization provided by an employee under the
13 preceding sentence shall expire not later than 1 year after
14 the date on which such authorization is signed by the em-
15 ployee. There shall be no automatic renewal of an author-
16 ization under this section.”.

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