

115TH CONGRESS  
1ST SESSION

# S. 1217

To amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

---

IN THE SENATE OF THE UNITED STATES

MAY 24, 2017

Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. CORKER, Mr. CORNYN, Mr. HATCH, Mr. McCONNELL, Mr. PERDUE, Mr. RISCH, Mr. ROBERTS, Mr. SCOTT, Mr. WICKER, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

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”.

6 **SEC. 2. AMENDMENT TO THE NATIONAL LABOR RELATIONS**

7 **ACT.**

8 Section 9(b) of the National Labor Relations Act (29  
9 U.S.C. 159(b)) is amended to read as follows:

1       “(b) In each case, prior to an election, the Board  
2 shall determine, in order to ensure to employees the fullest  
3 freedom in exercising the rights guaranteed by this Act,  
4 the unit appropriate for the purposes of collective bar-  
5 gaining. Unless otherwise stated in this Act, excluding  
6 acute health care facilities, the unit appropriate for pur-  
7 poses of collective bargaining shall consist of employees  
8 that share a sufficient community of interest. In deter-  
9 mining whether employees share a sufficient community  
10 of interest, the Board shall consider (1) similarity of  
11 wages, benefits, and working conditions; (2) similarity of  
12 skills and training; (3) centrality of management and com-  
13 mon supervision; (4) extent of interchange and frequency  
14 of contact between employees; (5) integration of the work  
15 flow and interrelationship of the production process; (6)  
16 the consistency of the unit with the employer’s organiza-  
17 tional structure; (7) similarity of job functions and work;  
18 and (8) the bargaining history in the particular unit and  
19 the industry. To avoid the proliferation or fragmentation  
20 of bargaining units, employees shall not be excluded from  
21 the unit unless the interests of the group sought are suffi-  
22 ciently distinct from those of other employees to warrant  
23 the establishment of a separate unit. Whether additional  
24 employees should be included in a proposed unit shall be  
25 based on whether such additional employees and proposed

1 unit members share a sufficient community of interest,  
2 with the exception of proposed accretions to an existing  
3 unit, in which the inclusion of additional employees shall  
4 be based on whether such additional employees and exist-  
5 ing unit members share an overwhelming community of  
6 interest and the additional employees have little or no sep-  
7 arate identity.”.

○