

105TH CONGRESS
1ST SESSION

S. 328

To amend the National Labor Relations Act to protect employer rights,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 1997

Mr. HUTCHINSON (for himself, Mr. NICKLES, Mr. WARNER, Mr. MACK, Mr. KYL, Mr. BROWNBACK, Mr. COCHRAN, Mr. ROBERTS, Mr. HATCH, Mr. GORTON, Mr. ENZI, Mr. GREGG, Mr. ALLARD, Mr. LOTT, Mr. SESSIONS, and Mr. FAIRCLOTH) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the National Labor Relations Act to protect
employer rights, 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 “Truth in Employment
5 Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) An atmosphere of trust and civility in labor-
2 management relationships is essential to a produc-
3 tive workplace and a healthy economy.

4 (2) The tactic of using professional union orga-
5 nizers and agents to infiltrate a targeted employer's
6 workplace (a practice commonly referred to as "salt-
7 ing") has evolved into an aggressive form of harass-
8 ment not contemplated when the National Labor Re-
9 lations Act (29 U.S.C. 151 et seq.) was enacted and
10 threatens the balance of rights that is fundamental
11 to the collective bargaining system of the United
12 States.

13 (3) Increasingly, union organizers are seeking
14 employment with nonunion employers not because of
15 a desire to work for such employers but primarily to
16 organize the employees of such employers or to in-
17 flict economic harm specifically designed to put non-
18 union competitors out of business.

19 (4) While no employer may discriminate against
20 employees based upon the views of the employees
21 concerning collective bargaining, an employer should
22 have the right to expect job applicants to be pri-
23 marily interested in utilizing the skills of the appli-
24 cants to further the goals of the business of the em-
25 ployer.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are—

3 (1) to preserve the balance of rights between
4 employers, employees, and labor organizations that
5 is fundamental to a system of collective bargaining;

6 (2) to preserve the rights of employees to orga-
7 nize, or otherwise engage in concerted activities pro-
8 tected under the National Labor Relations Act; and

9 (3) to alleviate pressure on employers to hire
10 individuals who seek or gain employment in order to
11 disrupt the workplace of the employer or otherwise
12 inflict economic harm designed to put the employer
13 out of business.

14 **SEC. 4. PROTECTION OF EMPLOYER RIGHTS.**

15 Section 8(a) of the National Labor Relations Act (29
16 U.S.C. 158(a)) is amended by adding at the end the fol-
17 lowing flush sentence:

18 “Nothing in this subsection shall be construed as requir-
19 ing an employer to employ any person who seeks or has
20 sought employment with the employer in furtherance of
21 the objectives of an organization other than the em-
22 ployer.”.

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