

109TH CONGRESS
2D SESSION

H. R. 5310

To amend the National Labor Relations Act to establish deadlines for the National Labor Relations Board to render decisions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2006

Mr. SHAYS (for himself, Mr. LOBIONDO, Mr. SIMMONS, Mr. GERLACH, Mr. ENGLISH of Pennsylvania, Mr. LAHOOD, Mr. MCHUGH, Mr. WALSH, Mr. WELDON of Pennsylvania, Mr. BOEHLERT, Mr. SCHWARZ of Michigan, Mr. MURPHY, and Mr. MCCOTTER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the National Labor Relations Act to establish deadlines for the National Labor Relations Board to render decisions, 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 “National Labor Rela-
5 tions Board Reform Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) in 2005 the median time from a pre-election
2 regional hearing to a decision by the National Labor
3 Relations Board was 13.3 months; and

4 (2) in election cases, the length of time for
5 cases pending a Board decision was 18.9 months.

6 **SEC. 3. TIMETABLE FOR NLRB DECISIONS.**

7 (a) ISSUES OF REPRESENTATION AND ELECTIONS.—
8 Section 9(c)(1) of the National Labor Relations Act (29
9 U.S.C. 159(c)(1)) is amended by striking the last sentence
10 and inserting the following: “If the Board finds upon the
11 record of such hearing that such a question of representa-
12 tion exists, it shall, not later than 6 months after a peti-
13 tion is filed, direct an election by secret ballot and shall
14 certify election results not later than 12 months after a
15 petition is filed, unless both the employer and the em-
16 ployee, group of employees, or labor organization acting
17 on their behalf, shall mutually agree to waive such a dead-
18 line.”.

19 (b) UNFAIR LABOR PRACTICES.—Section 10(c) of
20 the National Labor Relations Act (29 U.S.C. 160(c)) is
21 amended by inserting after “*Provided,*” the following:
22 “That any such order shall be issued by the Board not
23 later than 6 months after the date on which the initial
24 complaint was served pursuant to subsection (b), unless,
25 in the opinion of the Board the evidence or testimony

1 raises a novel question of law, in which case the Board
2 shall have an additional 6 months in which to issue an
3 order, or unless the complainant and the person so com-
4 plained of shall mutually agree to waive such a deadline:
5 *And provided further,*”.

6 **SEC. 4. TERMS OF BOARD MEMBERS.**

7 Section 3(a) of the National Labor Relations Act (29
8 U.S.C. 153(a)) is amended by inserting after the third
9 sentence the following: “Any member may continue to
10 serve on the Board after the expiration of the term of such
11 member until a successor has been appointed.”.

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