

113TH CONGRESS
2D SESSION

S. 2178

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, and to require that lists of employees eligible to vote in organizing elections be provided to the National Labor Relations Board.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2014

Mr. ALEXANDER (for himself, Mr. ENZI, Mr. ISAKSON, Mr. HATCH, Mr. SCOTT, and Mr. BARRASSO) 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 with respect to the timing of elections and pre-election hearings and the identification of pre-election issues, and to require that lists of employees eligible to vote in organizing elections be provided to the National Labor Relations Board.

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; LIST OF EMPLOYEES EL-**
 2 **IGIBLE TO VOTE IN ELECTIONS.**

3 Section 9(c)(1) of the National Labor Relations Act
 4 (29 U.S.C. 159(c)(1)) is amended in the matter following
 5 subparagraph (B)—

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

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

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”; and

5 (4) by adding at the end the following: “Not
6 earlier than 7 days after a final determination by
7 the Board of the appropriate bargaining unit, the
8 Board shall acquire from the employer a list of all
9 employees eligible to vote in the election to be made
10 available to all parties, which shall include the
11 names of the employees, and one additional form of
12 personal contact information of the employee (such
13 as telephone number, email address, or mailing ad-
14 dress) chosen by the employee in writing.”.

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