

115TH CONGRESS  
1ST SESSION

# H. R. 4327

To amend the National Labor Relations Act to provide that a question of representation affecting commerce shall exist when a petitioner establishes that fewer than 50 percent of the current bargaining unit members had the opportunity to vote in a certification election covering their bargaining unit or no certification election was conducted, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2017

Mr. FRANCIS ROONEY of Florida (for himself, Mr. WILSON of South Carolina, Mr. BYRNE, Mr. ROKITA, Mr. GARRETT, Mr. DUNN, Mr. NORMAN, Mr. PERRY, Mr. ROGERS of Alabama, Mr. BUDD, Mr. YOHO, Mr. FERGUSON, and Mr. MEADOWS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the National Labor Relations Act to provide that a question of representation affecting commerce shall exist when a petitioner establishes that fewer than 50 percent of the current bargaining unit members had the opportunity to vote in a certification election covering their bargaining unit or no certification election was conducted, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Current Employee  
3 Representation Act”.

4 **SEC. 2. FILING AND TREATMENT OF PETITIONS FOR CER-**  
5 **TIFICATION OF BARGAINING REPRESENTA-**  
6 **TIVE.**

7       (a) PETITION DESCRIBED.—Section 9(c)(1) of the  
8 National Labor Relations Act (29 U.S.C. 159(c)(1)) is  
9 amended—

10           (1) in subparagraph (A), by striking “or” at  
11 the end;

12           (2) in subparagraph (B), by adding “or” at the  
13 end; and

14           (3) by inserting after subparagraph (B) the fol-  
15 lowing new subparagraph:

16           “(C) by an employee or a group of employ-  
17 ees or any individual or labor organization act-  
18 ing in their behalf, or an employer, alleging  
19 that the labor organization that has been cer-  
20 tified or is currently recognized by the employer  
21 as the bargaining representative is no longer a  
22 representative as defined in subsection (a), if—

23           “(i) fewer than 50 percent of the  
24 members of the bargaining unit in question  
25 had an opportunity to vote in the certifi-  
26 cation election that resulted in certifying

1                   the labor organization then recognized as  
2                   the bargaining representative for such  
3                   unit; or

4                   “(ii) no certification election was con-  
5                   ducted regarding such unit;”.

6       (b) EXISTENCE OF QUESTION OF REPRESENTA-  
7   TION.—Section 9(c)(2) of the National Labor Relations  
8   Act (29 U.S.C. 159(c)(2)) is amended by adding at the  
9   end the following: “When a petition is filed under para-  
10 graph (1)(C), a question of representation affecting com-  
11 merce exists if the petitioner establishes the existence of  
12 the circumstances described in paragraph (1)(C)(i) or  
13 paragraph (1)(C)(ii).”.

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