

112TH CONGRESS
1ST SESSION

S. 1425

To amend the National Labor Relations Act to ensure fairness in election procedures with respect to collective bargaining representatives.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2011

Mr. DEMINT (for himself, Mr. GRAHAM, Mr. RISCH, Mr. RUBIO, Mr. VITTER, Mr. HATCH, and Mr. COBURN) 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 ensure fairness in election procedures with respect to collective bargaining representatives.

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 “Fair Representation
5 in Elections Act of 2011”.

6 **SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELA-**
7 **TIONS ACT.**

8 Section 9 of the National Labor Relations Act (29
9 U.S.C. 159) is amended—

1 (1) in subsection (b), by inserting “prior to an
2 election” after “in each case”; and

3 (2) in subsection (c)—

4 (A) in the flush matter following para-
5 graph (1)(B)—

6 (i) by inserting “of 14 days in ad-
7 vance” after “appropriate hearing upon
8 due notice”;

9 (ii) by inserting “, and a review of
10 post-hearing appeals,” after “the record of
11 such hearing”; and

12 (iii) by adding at the end the fol-
13 lowing: “No election shall be conducted
14 less than 40 calendar days following the
15 filing of an election petition. The employer
16 shall provide the Board a list of employee
17 names and home addresses of all eligible
18 voters within 7 days following the Board’s
19 determination of the appropriate unit or
20 following any agreement between the em-
21 ployer and the labor organization regard-
22 ing the eligible voters.”; and

23 (B) by adding at the end the following:

24 “(6)(A) No election shall take place after the filing
25 of any petition unless and until—

1 “(i) a hearing is conducted before a qualified
2 hearing officer in accordance with due process on
3 any and all material, factual issues regarding juris-
4 diction, statutory coverage, appropriate unit, unit in-
5 clusion or exclusion, or eligibility of individuals; and

6 “(ii) the issues are resolved by a Regional Di-
7 rector, subject to appeal and review, or by the
8 Board.

9 “(B) No election results shall be final and no labor
10 organization shall be certified as the bargaining represent-
11 ative of the employees in an appropriate unit unless and
12 until the Board has ruled on—

13 “(i) each pre-election issue not resolved before
14 the election; and

15 “(ii) the resolution, following a hearing con-
16 ducted in accordance with due process, of each issue
17 pertaining to the conduct or results of the election.”.

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