

112TH CONGRESS
1ST SESSION

S. 964

To amend the National Labor Relations Act to clarify the applicability of such Act with respect to States that have right to work laws in effect.

IN THE SENATE OF THE UNITED STATES

MAY 12, 2011

Mr. ALEXANDER (for himself, Mr. GRAHAM, Mr. DEMINT, Mr. PAUL, Mr. CORNYN, Mr. LUGAR, Mr. SHELBY, Mr. ISAKSON, Mr. RISCH, Mr. BOOZMAN, Mr. LEE, Mr. KYL, Mr. VITTER, Mr. COCHRAN, Mr. COBURN, Mr. GRASSLEY, Mrs. HUTCHISON, Mr. HOEVEN, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. MCCONNELL, Mr. BARRASSO, Mr. BURR, Mr. ROBERTS, Mr. SESSIONS, Mr. HATCH, Mr. ENZI, Mr. CHAMBLISS, Mr. INHOFE, Mr. HELLER, Mr. MCCAIN, Mr. WICKER, Mr. RUBIO, and Mr. CORKER) 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 clarify the applicability of such Act with respect to States that have right to work laws in effect.

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 “Job Protection Act”.

1 **SEC. 2. APPLICATION TO CERTAIN SPEECH, BUSINESS DE-**
2 **CISIONS.**

3 (a) UNFAIR LABOR PRACTICES.—Section 8(a)(3) of
4 the National Labor Relations Act (29 U.S.C. 158(a)(3))
5 is amended by inserting before the semicolon at the end
6 the following: “: *Provided further*, That an employer’s ex-
7 pression of any views, argument, or opinion related to the
8 costs associated with collective bargaining, work stop-
9 pages, or strikes, or the dissemination of such views, argu-
10 ments, or opinions, whether in written, printed, graphic,
11 digital, or visual form, shall not constitute or be evidence
12 of antiunion animus or unlawful motive, if such expression
13 contains no threat of reprisal or force or promise of ben-
14 efit”.

15 (b) PREVENTION OF UNFAIR LABOR PRACTICES.—
16 Section 10 of the National Labor Relations Act (29 U.S.C.
17 160) is amended—

18 (1) in subsection (a), by inserting after the pe-
19 riod at the end the following: “: *Provided further*,
20 That the Board shall have no power to order any
21 employer to relocate, shut down, or transfer any ex-
22 isting or planned facility or work or employment op-
23 portunity, or prevent any employer from making
24 such relocations, transfers, or expansions to new or
25 existing facilities in the future, or prevent any em-
26 ployer from closing a facility, not developing a facil-

1 ity, or eliminating any employment opportunity un-
2 less and until the employer has been adjudicated fi-
3 nally to have unlawfully undertaken such actions—

4 “(1) without advance notice to the labor organi-
5 zation, if any, representing the bargaining unit of
6 the affected employees, of the economic reason(s) for
7 the relocation, shut down, or transfer of existing or
8 future work; or

9 “(2) as a primary and direct response to efforts
10 by a labor organization to organize a previously un-
11 represented workplace”; and

12 (2) by adding at the end the following:

13 “(n) Nothing in this Act shall prevent an employer
14 from choosing where to locate, develop, or expand its busi-
15 ness or facilities, or require any employer to move, trans-
16 fer, or relocate any facility, production line, or employment
17 opportunity, or require that an employer cease or refrain
18 from doing so, or prevent any employer from closing a fa-
19 cility or eliminating any employment opportunity unless
20 the employer has been adjudicated finally to have unlaw-
21 fully undertaken such actions—

22 “(1) without advance notice to the labor organi-
23 zation, if any, representing the bargaining unit of
24 the affected employees, of the economic reason(s) for

1 the relocation, shut down, or transfer of existing or
2 future work; or

3 “(2) as a primary and direct response to efforts
4 by a labor organization to organize a previously un-
5 represented workplace.”.

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