

119TH CONGRESS
1ST SESSION

S. _____

To amend the National Labor Relations Act to restrict charges of unfair labor practices that are not filed in good faith or are frivolous, and for other purposes.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To amend the National Labor Relations Act to restrict charges of unfair labor practices that are not filed in good faith or are frivolous, 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 “Fairness in Filing
5 Act”.

1 **SEC. 2. RESTRICTING UNFAIR LABOR PRACTICE CHARGES**
2 **THAT ARE NOT FILED IN GOOD FAITH OR**
3 **ARE FRIVOLOUS.**

4 (a) REQUIREMENTS FOR FILING A CHARGE.—Sec-
5 tion 10(b) of the National Labor Relations Act (29 U.S.C.
6 160(b)) is amended—

7 (1) by inserting “in good faith” after
8 “charged”; and

9 (2) by striking “*Provided,*” and inserting “*Pro-*
10 *vided,* That no complaint shall issue unless the
11 charge filed with the Board includes (1) documenta-
12 tion of evidence (including an affidavit, photo, video,
13 email, text message, or other evidence determined
14 appropriate by the Board) from an identified source
15 supporting the charge, or (2) a certification by the
16 person filing the charge that the person is unable to
17 include such documentation and a description of the
18 relevant evidence: *Provided further,*”.

19 (b) RIGHT TO INSPECT EVIDENCE PRESENTED IN A
20 COMPLAINT.—Section 10(b) of the National Labor Rela-
21 tions Act (29 U.S.C. 160(b)), as amended by subsection
22 (a), is further amended by inserting “The Board shall, be-
23 fore the hearing, produce to the person, and permit the
24 person or a representative of the person to inspect, copy,
25 test, or sample, any evidence to be used to determine

1 whether the person has engaged in or is engaging in an
2 unfair labor practice.” after “in the complaint.”.

3 (c) PENALTIES.—Section 12 of the National Labor
4 Relations Act (29 U.S.C. 162) is amended—

5 (1) by striking “Sec. 12. Any person” and in-
6 serting the following:

7 **“SEC. 12. PENALTIES.**

8 “(a) VIOLATIONS FOR INTERFERENCE WITH
9 BOARD.—Any person”; and

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

11 “(b) VIOLATIONS FOR FILING BAD FAITH OR FRIVO-
12 LOUS CHARGES.—Any person who files a charge under
13 section 10(b) not in good faith or engages in a pattern
14 or practice of filing frivolous charges under such section,
15 including a pattern or practice of filing charges that do
16 not satisfy the requirement for documentation of evidence
17 or certification under the first proviso of such section,
18 shall be punished by a fine of not more than \$5,000.”.