

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the National Labor Relations Act regarding labor organization elections, 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 regarding labor organization elections, 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 “Worker Reforming  
5       Elections for Speedy and Unimpeded Labor Talks Act”  
6       or the “Worker RESULTS Act”.

1 **SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELA-**  
2 **TIONS ACT REGARDING ELECTIONS.**

3 (a) CERTIFICATION BAR; EXTENSION OF RECERTIFI-  
4 CATION WINDOW; DECERTIFICATION DURING INITIAL  
5 BARGAINING PHASE.—

6 (1) IN GENERAL.—Section 9(c)(3) of the Na-  
7 tional Labor Relations Act (29 U.S.C. 159(c)(3)) is  
8 amended—

9 (A) by striking “No election” and inserting  
10 “(A) No election”;

11 (B) by striking “held.” and inserting the  
12 following: “held in which a majority of the em-  
13 ployees in the bargaining unit fail to select a  
14 representative for purposes of collective bar-  
15 gaining.

16 “(B)(i) In the case of a valid election in which the  
17 majority of the employees in a bargaining unit select a  
18 representative for purposes of collective bargaining, the  
19 Board shall dismiss any petition for an election under this  
20 subsection with respect to the bargaining unit, or any sub-  
21 division, that is filed before there is collective bargaining  
22 agreement with respect to the employees in effect between  
23 the representative and the employer of the employees.

24 “(ii)(I) If the Board determines that, during the ini-  
25 tial collective bargaining phase for an employer and a rep-  
26 resentative selected for purposes of collective bargaining

1 by the employees of the bargaining unit, the representative  
2 is not bargaining collectively in good faith with the em-  
3 ployer, then—

4 “(aa) there shall be a 90-day period, beginning  
5 on the date that is 60 days after the Board makes  
6 such determination and ending on the date that is  
7 150 days after such determination (referred to in  
8 this clause as the ‘decertification window period’),  
9 during which a petition may be filed in accordance  
10 with paragraph (1)(A)(ii) or subsection (e)(1), as  
11 applicable; and

12 “(bb) not later than 45 days before the first  
13 day of the decertification window period, the Board  
14 shall provide notice to each employee in the bar-  
15 gaining unit regarding the Board’s determination  
16 under this clause.

17 “(II) In this clause, the term ‘initial collective bar-  
18 gaining phase’ means the period beginning on the date of  
19 a valid election in which the majority of employees in a  
20 bargaining unit select a representative for purposes of col-  
21 lective bargaining and ending on the day before the date  
22 on which such representative and the employer of the em-  
23 ployees enter into the initial collective bargaining agree-  
24 ment.

1       “(C) With respect to an employer and a representa-  
2       tive of employees of the employer in a bargaining unit,  
3       beginning on the date on which the first collective bar-  
4       gaining agreement takes effect between such employer and  
5       such representative with respect to such unit, the Board  
6       shall dismiss any petition for an election under this sub-  
7       section with respect to the bargaining unit unless the peti-  
8       tion is filed—

9               “(i) during any period during which a collective  
10       bargaining agreement between the employer and  
11       such representative with respect to such unit is not  
12       in effect; or

13               “(ii) during any window period applicable to the  
14       employer and representative with respect to such  
15       unit, in accordance with subparagraph (D).

16       “(D)(i) For purposes of subparagraph (C) and sub-  
17       ject to clause (ii), the term ‘window period’, with respect  
18       to an employer and a representative of employees of the  
19       employer in a bargaining unit, means a 90-day period be-  
20       ginning 150 days and ending 60 days before—

21               “(I) the last day of the 2-year period beginning  
22       on the date on which the first collective bargaining  
23       agreement between the employer and representative  
24       of such employees took effect; or

1           “(II) the last day of each consecutive 2-year pe-  
2           riod thereafter.

3           “(ii) In the case of an employer that is a health care  
4 institution, clause (i) shall be applied by substituting ‘180  
5 days’ for ‘150 days’ and by substituting ‘90 days’ for ‘60  
6 days’.”;

7           (C) by striking “Employees” and inserting  
8           the following:

9           “(E) Employees”; and

10           (D) by striking “In any election” and in-  
11           serting the following:

12           “(F) In any election”.

13           (2) CLARIFICATION.—Section 8 of the National  
14 Labor Relations Act (29 U.S.C. 158) is amended by  
15 adding at the end the following:

16           “(h) It shall not be an unfair labor practice under  
17 subsection (a) or (b) for any person to inform employees  
18 of their rights under subparagraph (B)(ii) or (C) of sec-  
19 tion 9(c)(3).”.

20           (b) REQUIREMENT FOR SECRET BALLOT ELEC-  
21 TIONS.—Section 9(a) of the National Labor Relations Act  
22 (29 U.S.C. 159(a)) is amended by striking “designated or  
23 selected for the purposes of collective bargaining” and in-  
24 serting “for the purposes of collective bargaining selected  
25 by secret ballot, in an election conducted by the Board,”.

1       (c) QUORUM.—Section 9 of the National Labor Rela-  
2 tions Act (29 U.S.C. 159), as amended by this section,  
3 is further amended—

4           (1) in subsection (a), by inserting “That, in  
5 certifying a representative as the exclusive represent-  
6 ative of all employees in a unit for such purposes of  
7 collective bargaining, the majority shall be the ma-  
8 jority of voters in a secret ballot election in which  
9 not less than two-thirds of all employees in the unit  
10 vote: *Provided further*,” after “employment: *Pro-*  
11 *vided*,”; and

12           (2) in subsection (c)(3)(F), as designated by  
13 subsection (a), by inserting “of the votes, when not  
14 less than two-thirds of all employees in the unit  
15 vote,” after “majority”.

16       (d) REMOVAL OF SETTLEMENT BAR.—Section 9(c)  
17 of the National Labor Relations Act (29 U.S.C. 159(c))  
18 is amended by adding at the end the following:

19       “(6) The Board shall not prohibit or postpone, or im-  
20 pose any bar or delay on, any recognition election based  
21 on a petition by a party due to a settlement of any unfair  
22 labor practice charge against either party.”.

23       (e) LIMIT ON BOARD AUTHORITY.—Section 9(c) of  
24 the National Labor Relations Act (29 U.S.C. 159(c)) is  
25 further amended by adding at the end the following:

1 “(7) The Board shall not dismiss or impose any bar  
2 or restriction regarding when an election under this sec-  
3 tion may be requested or directed, except as established  
4 in this subsection or subsections (d), (e)(2), (f), and (g).”.

5 (f) BLOCKING CHARGES AND NO MERIT-BASED DIS-  
6 MISSALS.—Section 9 of the National Labor Relations Act  
7 (29 U.S.C. 159) is amended by adding at the end the fol-  
8 lowing:

9 “(f)(1) Whenever any party to a representation pro-  
10 ceeding under this section files a charge of an unfair labor  
11 practice together with a request that the charge block the  
12 process of an election under this section, or whenever any  
13 party to a representation proceeding requests that its pre-  
14 viously filed charge of an unfair labor practice block such  
15 process, the party shall simultaneously file, but not serve  
16 on any other party, a written offer of proof in support  
17 of the charge. The offer of proof shall provide the names  
18 of the witnesses who will testify in support of the charge  
19 and a summary of each witness’s anticipated testimony.  
20 The party seeking to block the process of an election under  
21 this section shall also promptly make available to the re-  
22 gional director the witnesses identified in its offer of proof.  
23 “(2) Except as provided in paragraph (3), the ballots  
24 for an election in a case described in paragraph (1) shall

1 be promptly opened and counted at the conclusion of the  
2 election.

3       “(3) If the charge in a case described in paragraph  
4 (1) is filed that alleges a violation of subsection (a)(1),  
5 (a)(2), or (b)(1)(A) of section 8 and that challenges the  
6 circumstances surrounding the petition for the election or  
7 the showing of interest submitted in support of such peti-  
8 tion, or if a charge is filed in a case described in paragraph  
9 (1) that alleges an employer has dominated a labor organi-  
10 zation in violation of section 8(a)(2) and that seeks to dis-  
11 establish a bargaining relationship, the regional director  
12 shall impound the ballots for the election for a period not  
13 to exceed 60 days from the conclusion of the election un-  
14 less the charge has been withdrawn or dismissed prior to  
15 the conclusion of the election. If a complaint issues with  
16 respect to such charge at any time prior to the expiration  
17 of that period of not more than 60 days, the ballots for  
18 the election shall continue to be impounded until there is  
19 a final determination regarding the charge and its effect,  
20 if any, on the election petition. If the charge is withdrawn  
21 or dismissed at any time during that period, or if the pe-  
22 riod ends without a complaint issuing, the ballots shall be  
23 promptly opened and counted. The period of not more  
24 than 60 days under this paragraph shall not be extended,



1 even if more than one charge of an unfair labor practice  
2 is filed serially.

3 “(4) In any case described in paragraph (1), the cer-  
4 tification of results (including, where appropriate, a cer-  
5 tification of representative) for the election shall not issue  
6 until there is a final disposition of the charge and a deter-  
7 mination of its effect, if any, on the election petition.

8 “(g) In any case in which there is a representation  
9 proceeding involving an employer and also a charge of an  
10 unfair labor practice against any party to the representa-  
11 tion proceeding, a regional director shall dismiss the rep-  
12 resentation proceeding due to an unfair labor practice  
13 charge only if such charge is found to be meritorious  
14 through a formal evidentiary hearing.”.

15 (g) NO SUCCESSOR BAR.—Section 9 of the National  
16 Labor Relations Act (29 U.S.C. 159), as amended by this  
17 section, is further amended by adding at the end the fol-  
18 lowing:

19 “(h) With respect to any successor employer (defined,  
20 for purposes of this subsection, as an employer who ac-  
21 quires substantially all of the property used in a trade or  
22 business of another employer), the Board shall not pro-  
23 hibit or postpone, or impose any bar or delay on the timing  
24 of, the filing of a petition for an election under this section  
25 based on the acquisition by the successor employer.”.

1 (h) UNFAIR LABOR PRACTICE TO ENTER INTO NO-  
2 RAID AGREEMENTS.—

3 (1) IN GENERAL.—Section 8(b) of the National  
4 Labor Relations Act (29 U.S.C. 158(b)) is amend-  
5 ed—

6 (A) in paragraph (6), by striking “and”  
7 after the semicolon;

8 (B) by redesignating paragraph (7) as  
9 paragraph (8);

10 (C) by inserting after paragraph (6) the  
11 following:

12 “(7) to enter into an agreement with any other  
13 labor organization, or its agents, in which a labor or-  
14 ganization agrees to not solicit, compete for, orga-  
15 nize for purposes of collective bargaining, or other-  
16 wise represent, a group of employees of an employer,  
17 or of a certain trade, class, or craft; and”; and

18 (D) in the matter following paragraph (8),  
19 as so redesignated, by striking “this paragraph  
20 (7)” and inserting “this paragraph (8)”.

21 (2) CONFORMING AMENDMENTS.—Section 10(l)  
22 of the National Labor Relations Act (29 U.S.C.  
23 160(l)) is amended by striking “section 8(b)(7)”  
24 each place the term appears and inserting “section  
25 8(b)(8)”.