

104TH CONGRESS
2D SESSION

H. R. 4247

To amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 1996

Mr. GOODLING introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To amend the National Labor Relations Act to require the National Labor Relations Board to resolve unfair labor practice complaints in a timely manner.

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 “Justice on Time Act
5 of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) An employee has a right under the National
9 Labor Relations Act to be free from discrimination

1 with regard to hire or tenure of employment or any
2 term or condition of employment to encourage or
3 discourage membership in any labor organization.
4 The Congress, the National Labor Relations Board,
5 and the courts have recognized that the discharge of
6 an employee to encourage or discourage union mem-
7 bership has a particularly chilling effect on the exer-
8 cise of rights provided under section 7.

9 (2) Although an employee who has been dis-
10 charged because of support or lack of support for a
11 labor organization has a right to be reinstated to the
12 previously held position with backpay, reinstatement
13 is often ordered months and even years after the ini-
14 tial discharge due to the lengthy delays in the proc-
15 essing of unfair labor practice charges by the Na-
16 tional Labor Relations Board and to the several lay-
17 ers of appeal under the National Labor Relations
18 Act.

19 (3) In order to minimize the chilling effect on
20 the exercise of rights provided under section 7
21 caused by an unlawful discharge and to maximize
22 the effectiveness of the remedies for unlawful dis-
23 crimination under the National Labor Relations Act,
24 the National Labor Relations Board should endeavor
25 to resolve in a timely manner all unfair labor prac-

1 tice complaints alleging that an employee has been
2 unlawfully discharged to encourage or discourage
3 membership in a labor organization.

4 (4) Expeditious resolution of such complaints
5 would benefit all parties not only by ensuring swift
6 justice, but also by reducing the costs of litigation
7 and backpay awards.

8 **SEC. 3. PURPOSE.**

9 The purpose of this Act is to ensure that the National
10 Labor Relations Board resolves in a timely manner all un-
11 fair labor practice complaints alleging that an employee
12 has been unlawfully discharged to encourage or discourage
13 membership in a labor organization.

14 **SEC. 4. TIMELY RESOLUTION.**

15 Section 10(m) of the National Labor Relations Act
16 is amended by adding at the end the following new sen-
17 tence: “Whenever a complaint is issued as provided in sub-
18 section (b) upon a charge that any person has engaged
19 in or is engaging in an unfair labor practice within the
20 meaning of subsection (a)(3) or (b)(2) of section 8 involv-
21 ing an unlawful discharge, the Board shall state its find-
22 ings of fact and issue and cause to be served on such per-
23 son an order requiring such person to cease and desist
24 from such unfair labor practice and to take such affirma-
25 tive action, including reinstatement of an employee with

1 or without backpay, as will effectuate the policies of this
2 Act, or shall state its findings of fact and issue an order
3 dismissing the said complaint, not later than 365 days
4 after the filing of the unfair labor practice charge with
5 the Board.”.

6 **SEC. 5. REGULATIONS.**

7 The Board may issue such regulations as are nec-
8 essary to carry out the purposes of this Act.

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