

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.

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## 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

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## 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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