

105TH CONGRESS
2^D SESSION

S. 1685

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 SENATE OF THE UNITED STATES

FEBRUARY 26, 1998

Mr. HUTCHINSON introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

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 1998”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) An employee has a right under the National
9 Labor Relations Act (29 U.S.C. 151 et seq.) to be

1 free from discrimination with regard to hire or ten-
2 ure of employment or any term or condition of em-
3 ployment to encourage or discourage membership in
4 any labor organization. The Congress, the National
5 Labor Relations Board, and the courts have recog-
6 nized that the discharge of an employee to encour-
7 age or discourage union membership has a particu-
8 larly chilling effect on the exercise of rights provided
9 under section 7 of such Act.

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

20 (3) In order to minimize the chilling effect on
21 the exercise of rights provided under section 7 of the
22 National Labor Relations Act (29 U.S.C. 157)
23 caused by an unlawful discharge and to maximize
24 the effectiveness of the remedies for unlawful dis-
25 crimination under the National Labor Relations Act,

1 the National Labor Relations Board should endeavor
2 to resolve in a timely manner all unfair labor prac-
3 tice complaints alleging that an employee has been
4 unlawfully discharged to encourage or discourage
5 membership in a labor organization.

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

10 **SEC. 3. PURPOSE.**

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

16 **SEC. 4. TIMELY RESOLUTION.**

17 Section 10(m) of the National Labor Relations Act
18 (29 U.S.C. 160) is amended by adding at the end the fol-
19 lowing: “Whenever a complaint is issued as provided in
20 subsection (b) upon a charge that any person has engaged
21 in or is engaging in an unfair labor practice within the
22 meaning of subsection (a)(3) or (b)(2) of section 8 involv-
23 ing an unlawful discharge, the Board shall state its find-
24 ings of fact and issue and cause to be served on such per-
25 son an order requiring such person to cease and desist

1 from such unfair labor practice and to take such affirma-
2 tive action, including reinstatement of an employee with
3 or without backpay, as will effectuate the policies of this
4 Act, or shall state its findings of fact and issue an order
5 dismissing the said complaint, not later than 365 days
6 after the filing of the unfair labor practice charge with
7 the Board.”.

8 **SEC. 5. REGULATIONS.**

9 The National Labor Relations Board may issue such
10 regulations as are necessary to carry out the purposes of
11 this Act.

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