

106TH CONGRESS  
1ST SESSION

# S. 337

To preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 1999

Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. COVERDELL, Mr. WARNER, Mr. HATCH, Ms. COLLINS, Mr. COCHRAN, Mr. BUNNING, Mr. ASHCROFT, Mr. HELMS, Mr. GRASSLEY, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. GORTON, Mr. FRIST, Mr. THURMOND, Mr. HAGEL, Mr. ALLARD, Mr. GRAMS, Mr. KYL, Mr. ROBERTS, Mr. SESSIONS, and Mr. SHELBY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

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1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Truth in Employment  
3 Act”.

4 **SEC. 2. FINDINGS.**

5       Congress makes the following findings:

6           (1) An atmosphere of trust and civility in labor-  
7       management relationships is essential to a produc-  
8       tive workplace and a healthy economy.

9           (2) The tactic of using professional union orga-  
10      nizers and agents to infiltrate a targeted employer’s  
11      workplace, a practice commonly referred to as “salt-  
12      ing” has evolved into an aggressive form of harass-  
13      ment not contemplated when the National Labor Re-  
14      lations Act was enacted and threatens the balance of  
15      rights which is fundamental to our system of collec-  
16      tive bargaining.

17          (3) Increasingly, union organizers are seeking  
18      employment with nonunion employers not because of  
19      a desire to work for such employers but primarily to  
20      organize the employees of such employers or to in-  
21      flict economic harm specifically designed to put non-  
22      union competitors out of business, or to do both.

23          (4) While no employer may discriminate against  
24      employees based upon the views of employees con-  
25      cerning collective bargaining, an employer should  
26      have the right to expect job applicants to be pri-

1       marily interested in utilizing the skills of the appli-  
2       cants to further the goals of the business of the em-  
3       ployer.

4   **SEC. 3. PURPOSES.**

5       The purposes of this Act are—

6           (1) to preserve the balance of rights between  
7       employers, employees, and labor organizations which  
8       is fundamental to our system of collective bargain-  
9       ing;

10          (2) to preserve the rights of workers to orga-  
11       nize, or otherwise engage in concerted activities pro-  
12       tected under the National Labor Relations Act; and

13          (3) to alleviate pressure on employers to hire  
14       individuals who seek or gain employment in order to  
15       disrupt the workplace of the employer or otherwise  
16       inflict economic harm designed to put the employer  
17       out of business.

18   **SEC. 4. PROTECTION OF EMPLOYER RIGHTS.**

19       Section 8(a) of the National Labor Relations Act (29  
20   U.S.C. 158(a)) is amended by adding at the end the fol-  
21   lowing flush sentence:

22   “Nothing in this subsection shall be construed as requir-  
23   ing an employer to employ any person who is not a bona  
24   fide employee applicant, in that such person seeks or has  
25   sought employment with the employer with the primary

1 purpose of furthering another employment or agency sta-  
2 tus: *Provided*, That this sentence shall not affect the  
3 rights and responsibilities under this Act of any employee  
4 who is or was a bona fide employee applicant, including  
5 the right to self-organization, to form, join, or assist labor  
6 organizations, to bargain collectively through representa-  
7 tives of their own choosing, and to engage in other con-  
8 certed activities for the purpose of collective bargaining  
9 or other mutual aid or protection.”.

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