

107TH CONGRESS  
1ST SESSION

# S. 1107

To amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

---

IN THE SENATE OF THE UNITED STATES

JUNE 27, 2001

Mr. HARKIN (for himself, Mr. WELLSTONE, Mr. KENNEDY, Mr. SARBANES, Mr. AKAKA, Mr. BINGAMAN, Mr. DODD, Mrs. MURRAY, Mr. LEAHY, Ms. MIKULSKI, Mr. FEINGOLD, Mr. KERRY, Mr. LEVIN, Mr. BAUCUS, Mr. ROCKEFELLER, and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## A BILL

To amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

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. PREVENTION OF DISCRIMINATION DURING**  
 4                               **AND AT THE CONCLUSION OF LABOR DIS-**  
 5                               **PUTES.**

6       Section 8(a) of the National Labor Relations Act (29  
 7 U.S.C. 158(a)) is amended—

1           (1) by striking the period at the end of para-  
2 graph (5) and inserting “; or”; and

3           (2) by adding at the end thereof the following  
4 new paragraph:

5           “(6)(i) to offer, or to grant, the status of a per-  
6 manent replacement employee to an individual for  
7 performing bargaining unit work for the employer  
8 during a labor dispute; or

9           “(ii) to otherwise offer, or grant, an individual  
10 any employment preference based on the fact that  
11 such individual was employed, or indicated a willing-  
12 ness to be employed, during a labor dispute over an  
13 individual who—

14           “(A) was an employee of the employer at  
15 the commencement of the dispute;

16           “(B) has exercised the right to join, to as-  
17 sist, or to engage in other concerted activities  
18 for the purpose of collective bargaining or other  
19 mutual aid or protection through the labor or-  
20 ganization involved in the dispute; and

21           “(C) is working for, or has unconditionally  
22 offered to return to work for, the employer.”.

1 **SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT**  
2 **THE CONCLUSION OF RAILWAY LABOR DIS-**  
3 **PUTES.**

4 Paragraph Fourth of section 2 of the Railway Labor  
5 Act (45 U.S.C. 152) is amended—

6 (1) by inserting “(a)” after “Fourth.”; and

7 (2) by adding at the end the following:

8 “(b) No carrier, or officer or agent of the carrier,  
9 shall—

10 “(1) offer, or grant, the status of a permanent  
11 replacement employee to an individual for per-  
12 forming work in a craft or class for the carrier dur-  
13 ing a dispute involving the craft or class; or

14 “(2) otherwise offer, or grant, an individual any  
15 employment preference based on the fact that such  
16 individual was employed, or indicated a willingness  
17 to be employed, during a dispute over an individual  
18 who—

19 “(A) was an employee of the carrier at the  
20 commencement of the dispute;

21 “(B) has exercised the right to join, to or-  
22 ganize, to assist in organizing, or to bargain  
23 collectively through the labor organization in-  
24 volved in the dispute; and

1                   “(C) is working for, or has unconditionally  
2                   offered to return to work for, the carrier.”.

○