

111TH CONGRESS  
1ST SESSION

# S. 1227

To amend the National Labor Relations Act to protect employer rights.

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## IN THE SENATE OF THE UNITED STATES

JUNE 10, 2009

Mr. DEMINT (for himself, Mr. WICKER, Mr. BUNNING, and Mr. VITTER) 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 amend the National Labor Relations Act to protect employer rights.

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 “Truth in Employment  
5       Act of 2009”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that:

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

1           (2) The tactic of using professional union orga-  
2           nizers and agents to infiltrate a targeted employer's  
3           workplace, a practice commonly referred to as "salt-  
4           ing", has evolved into an aggressive form of harass-  
5           ment not contemplated when the National Labor Re-  
6           lations Act was enacted and threatens the balance of  
7           rights which is fundamental to the system of collec-  
8           tive bargaining of the United States.

9           (3) Increasingly, union organizers are seeking  
10          employment with nonunion employers not because of  
11          a desire to work for such employers but primarily to  
12          organize the employees of such employers or to in-  
13          flict economic harm specifically designed to put non-  
14          union competitors out of business, or to do both.

15          (4) While no employer may discriminate against  
16          employees based upon the views of employees con-  
17          cerning collective bargaining, an employer should  
18          have the right to expect job applicants to be pri-  
19          marily interested in utilizing the skills of the appli-  
20          cants to further the goals of the business of the em-  
21          ployer.

22 **SEC. 3. PURPOSES.**

23          The purposes of this Act are—

24               (1) to preserve the balance of rights between  
25          employers, employees, and labor organizations which

1 is fundamental to the system of collective bargaining  
2 of the United States;

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

6 (3) to alleviate pressure on employers to hire  
7 individuals who seek or gain employment in order to  
8 disrupt the workplace of the employer or otherwise  
9 inflict economic harm designed to put the employer  
10 out of business.

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

12 Section 8(a) of the National Labor Relations Act (29  
13 U.S.C. 158(a)) is amended by adding after and below  
14 paragraph (5) the following:

15 “Nothing in this subsection shall be construed as requir-  
16 ing an employer to employ any person who seeks or has  
17 sought employment with the employer in furtherance of  
18 other employment or agency status.”.

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