

114TH CONGRESS
1ST SESSION

S. 2142

To amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 6, 2015

Mr. SANDERS (for himself, Mr. BROWN, Mrs. MURRAY, Mr. HEINRICH, Ms. WARREN, Mrs. GILLIBRAND, Ms. STABENOW, Ms. HIRONO, Mr. LEAHY, and Mr. WHITEHOUSE) 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 to establish an efficient system to enable employees to form, join, or assist labor organizations, and for other purposes.

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 “Workplace Democracy
5 Act”.

1 **SEC. 2. STREAMLINING CERTIFICATION FOR LABOR ORGA-**
2 **NIZATIONS.**

3 (a) IN GENERAL.—Section 9(c) of the National
4 Labor Relations Act (29 U.S.C. 159(c)) is amended by
5 adding at the end the following:

6 “(6) Notwithstanding any other provision of this sec-
7 tion, whenever a petition shall have been filed by an em-
8 ployee or group of employees or any individual or labor
9 organization acting in their behalf alleging that a majority
10 of employees in a unit appropriate for the purposes of col-
11 lective bargaining wish to be represented by an individual
12 or labor organization for such purposes, the Board shall
13 investigate the petition. If the Board finds that a majority
14 of the employees in a unit appropriate for bargaining has
15 signed valid authorizations designating the individual or
16 labor organization specified in the petition as their bar-
17 gaining representative and that no other individual or
18 labor organization is currently certified or recognized as
19 the exclusive representative of any of the employees in the
20 unit, the Board shall not direct an election but shall certify
21 the individual or labor organization as the representative
22 described in subsection (a).

23 “(7) The Board shall develop guidelines and proce-
24 dures for the designation by employees of a bargaining
25 representative in the manner described in paragraph (6).
26 Such guidelines and procedures shall include—

1 “(A) model collective bargaining authorization
2 language that may be used for purposes of making
3 the designations described in paragraph (6); and

4 “(B) procedures to be used by the Board to es-
5 tablish the validity of signed authorizations desig-
6 nating bargaining representatives.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) NATIONAL LABOR RELATIONS BOARD.—Sec-
9 tion 3(b) of the National Labor Relations Act (29
10 U.S.C. 153(b)) is amended, in the second sentence—

11 (A) by striking “and to” and inserting
12 “to”; and

13 (B) by striking “and certify the results
14 thereof,” and inserting “, and to issue certifi-
15 cations as provided for in that section,”.

16 (2) UNFAIR LABOR PRACTICES.—Section 8(b)
17 of the National Labor Relations Act (29 U.S.C.
18 158(b)) is amended—

19 (A) in paragraph (7)(B) by striking “, or”
20 and inserting “or a petition has been filed
21 under section 9(c)(6), or”; and

22 (B) in paragraph (7)(C) by striking “when
23 such a petition has been filed” and inserting
24 “when such a petition other than a petition
25 under section 9(c)(6) has been filed”.

1 **SEC. 3. FACILITATING INITIAL COLLECTIVE BARGAINING**
2 **AGREEMENTS.**

3 Section 8 of the National Labor Relations Act (29
4 U.S.C. 158) is amended by adding at the end the fol-
5 lowing:

6 “(h) Whenever collective bargaining is for the pur-
7 pose of establishing an initial agreement following certifi-
8 cation or recognition, the provisions of subsection (d) shall
9 be modified as follows:

10 “(1) Not later than 10 days after receiving a
11 written request for collective bargaining from an in-
12 dividual or labor organization that has been newly
13 organized or certified as a representative as defined
14 in section 9(a), or within such further period as the
15 parties agree upon, the parties shall meet and com-
16 mence to bargain collectively and shall make every
17 reasonable effort to conclude and sign a collective
18 bargaining agreement.

19 “(2) If after the expiration of the 90-day period
20 beginning on the date on which bargaining is com-
21 menced, or such additional period as the parties may
22 agree upon, the parties have failed to reach an
23 agreement, either party may notify the Federal Me-
24 diation and Conciliation Service of the existence of
25 a dispute and request mediation. Whenever such a
26 request is received, it shall be the duty of the Service

1 promptly to put itself in communication with the
2 parties and to use its best efforts, by mediation and
3 conciliation, to bring them to agreement.

4 “(3) If after the expiration of the 30-day period
5 beginning on the date on which the request for me-
6 diation is made under paragraph (2), or such addi-
7 tional period as the parties may agree upon, the
8 Service is not able to bring the parties to agreement
9 by conciliation, the Service shall refer the dispute to
10 an arbitration board established in accordance with
11 such regulations as may be prescribed by the Serv-
12 ice. The arbitration panel shall render a decision set-
13 tling the dispute and such decision shall be binding
14 upon the parties for a period of 2 years, unless
15 amended during such period by written consent of
16 the parties.”.

○