

116TH CONGRESS
1ST SESSION

H. R. 5147

To amend the National Labor Relations Act to repeal exclusive representation, to remove any requirement that individual employees join or pay dues or fees to labor organizations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2019

Mr. JOHNSON of South Dakota (for himself, Mr. MURPHY of North Carolina, and Mr. DAVID P. ROE of Tennessee) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the National Labor Relations Act to repeal exclusive representation, to remove any requirement that individual employees join or pay dues or fees to 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 “Worker’s Choice Act
5 of 2019”.

1 **SEC. 2. AMENDMENTS TO THE NATIONAL LABOR RELA-**
2 **TIONS ACT.**

3 (a) EMPLOYEE RIGHTS.—Section 7 of the National
4 Labor Relations Act (29 U.S.C. 157) is amended by strik-
5 ing “except to” and all that follows through “authorized
6 in section 8(a)(3)”.

7 (b) UNFAIR LABOR PRACTICE FOR EMPLOYER.—
8 Paragraph (3) of section 8(a) of the National Labor Rela-
9 tions Act (29 U.S.C. 158(a)) is amended by striking “:
10 *Provided, That*” and all that follows through “retaining
11 membership”.

12 (c) UNFAIR LABOR PRACTICE FOR LABOR ORGANI-
13 ZATION.—Section 8(b) of the National Labor Relations
14 Act (29 U.S.C. 158(b)) is amended—

15 (1) in paragraph (1)—

16 (A) by inserting “interfere with,” before
17 “restrain”; and

18 (B) by inserting “(except that an employee
19 can resign at any time effective immediately)”
20 after “membership therein” in subparagraph
21 (A);

22 (2) in paragraph (2), by striking “or to dis-
23 criminate” and all that follows through “retaining
24 membership”;

25 (3) in paragraph (5)—

1 (A) by striking “covered by an agreement
2 authorized under subsection (a)(3)”;

3 (B) by striking “becoming a member of”
4 and inserting “being represented by”;

5 (C) by striking the period after “cir-
6 cumstances”, and by inserting “to defray the
7 costs of collective bargaining under section
8 8(d)” after “all the circumstances”; and

9 (D) by striking “In making such” and all
10 that follows through “the employees affected”.

11 (d) EMPLOYEE REPRESENTATION.—Section 9 of the
12 National Labor Relations Act (29 U.S.C. 159) is amend-
13 ed—

14 (1) by amending subsection (a) to read as fol-
15 lows:

16 “(a)(1) A representative designated or selected for
17 the purposes of collective bargaining by the affirmative
18 vote of a majority of all the employees in a unit appro-
19 priate for such purposes shall be the only collective rep-
20 resentative of employees in such unit for the purposes of
21 collective bargaining in respect to rates of pay, wages,
22 hours of employment, or other conditions of employment
23 for employees who elect to work under the terms and con-
24 ditions of a collective-bargaining agreement negotiated by
25 such collective representative.

1 “(2) A collective representative may represent only
2 those employees who have affirmatively designated or se-
3 lected such representation. Any employee designation or
4 selection under this subsection shall be in writing, shall
5 state in prominent type that such designation or selection
6 is revocable at any time, shall be signed by the employee
7 and delivered to both the employer and the collective rep-
8 resentative, and shall provide in prominent type that no
9 financial obligation can be imposed on account of the col-
10 lective representation of the employee after the date of any
11 revocation of collective representation.

12 “(3) The terms and conditions of employment set out
13 in any collective-bargaining agreement negotiated by a col-
14 lective representative designated or selected under this
15 subsection shall apply only to those employees who affirm-
16 atively elect in writing to accept such terms and conditions
17 of employment: *Provided*, That any individual employee or
18 a group of employees who have elected to accept such
19 terms and conditions of employment shall have the
20 nonwaivable right at any time to present grievances to
21 their employer and to have such grievances adjusted, with-
22 out the intervention of the collective representative, as
23 long as the adjustment is not inconsistent with the terms
24 of the collective-bargaining agreement then in effect for
25 that employee or group of employees: *Provided further*,

1 That the collective representative of such employee or
2 group of employees has been given an opportunity to be
3 present at such adjustment. Individual employees who do
4 not affirmatively elect in writing to accept the terms and
5 conditions set out in a collective-bargaining agreement
6 may accept any other terms and conditions of employment
7 mutually acceptable to them and the employer.”; and
8 (2) by striking subsection (e).

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