

115TH CONGRESS 1ST SESSION

H. R. 2629

To amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

IN THE HOUSE OF REPRESENTATIVES

May 24, 2017

Mr. Francis Rooney of Florida (for himself, Mr. Byrne, Mr. Roe of Tennessee, Mr. Cole, Mr. Grothman, Mr. Lewis of Minnesota, Mr. Smucker, and Mr. Ferguson) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units.

- 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 "Representation Fair-
- 5 ness Restoration Act".
- 6 SEC. 2. AMENDMENT TO THE NATIONAL LABOR RELATIONS
- 7 **ACT.**
- 8 Section 9(b) of the National Labor Relations Act (29
- 9 U.S.C. 159(b)) is amended to read as follows:

1 "(b) In each case, prior to an election, the Board 2 shall determine, in order to ensure to employees the fullest 3 freedom in exercising the rights guaranteed by this Act, 4 the unit appropriate for the purposes of collective bargaining. Unless otherwise stated in this Act, excluding 6 acute health care facilities, the unit appropriate for purposes of collective bargaining shall consist of employees 8 that share a sufficient community of interest. In determining whether employees share a sufficient community 10 of interest, the Board shall consider (1) similarity of wages, benefits, and working conditions; (2) similarity of 12 skills and training; (3) centrality of management and common supervision; (4) extent of interchange and frequency of contact between employees; (5) integration of the work 14 15 flow and interrelationship of the production process; (6) the consistency of the unit with the employer's organiza-16 tional structure; (7) similarity of job functions and work; 17 18 and (8) the bargaining history in the particular unit and 19 the industry. To avoid the proliferation or fragmentation of bargaining units, employees shall not be excluded from 20 21 the unit unless the interests of the group sought are sufficiently distinct from those of other employees to warrant 23 the establishment of a separate unit. Whether additional employees should be included in a proposed unit shall be based on whether such additional employees and proposed

- 1 unit members share a sufficient community of interest,
- 2 with the exception of proposed accretions to an existing
- 3 unit, in which the inclusion of additional employees shall
- 4 be based on whether such additional employees and exist-
- 5 ing unit members share an overwhelming community of
- 6 interest and the additional employees have little or no sep-

7 arate identity.".

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