119th CONGRESS 1st Session



To accelerate workplace time-to-contract under the National Labor Relations Act.

IN THE SENATE OF THE UNITED STATES

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To accelerate workplace time-to-contract under the National Labor Relations Act.

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 "Faster Labor Con-

5 tracts Act".

6 SEC. 2. FINDINGS.

7 Congress finds the following:

8 (1) Employees in the United States have a 9 right to organize collectively in order to secure high-10 er wages and other benefits, and regularly exercise BON25038 9CW

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that right by voting to be represented by a labor or ganization in their workplaces.

3 (2) A successful vote in favor of representation
4 by a labor organization does not immediately lead to
5 an agreement between the parties. Often the nego6 tiation process is difficult and protracted, taking a
7 year or longer.

8 (3) Research indicates that these contracting 9 delays are increasing over time. A Bloomberg Law 10 study from 2021 found that the average number of 11 days between a vote in favor of representation by a 12 labor organization and a contract entered into be-13 tween the parties was 465 days.

(4) Delays in the processing of collective bargaining contracts primarily benefit employers opposed to representation by the labor organization.
The employers can use those delays to sap labor organization resolve and secure more favorable terms
for the employer.

(5) In order for employees in the United States
to fully enjoy the benefits guaranteed to them by
Federal labor law, those employees must be able to
promptly secure a first contract following the legal
recognition or certification of a labor organization,

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1	and Federal labor law ought to facilitate this expedi-
2	ency.
3	SEC. 3. FACILITATING INITIAL COLLECTIVE BARGAINING
4	AGREEMENTS.
5	Section 8 of the National Labor Relations Act (29
6	U.S.C. 158) is amended—
7	(1) in subsection (d) —
8	(A) by redesignating paragraphs (1)
9	through (4) as subparagraphs (A) through (D),
10	respectively;
11	(B) by striking "For the purposes of this
12	section" and inserting " (1) For the purposes of
13	this section";
14	(C) by inserting "(and to maintain current
15	wages, hours, and terms and conditions of em-
16	ployment pending an agreement)" after "aris-
17	ing thereunder";
18	(D) by inserting ": <i>Provided</i> , That an em-
19	ployer's duty to collectively bargain shall con-
20	tinue absent decertification of the representa-
21	tive following an election conducted pursuant to
22	section 9" after "making of a concession";
23	(E) by inserting " <i>further</i> " before ", That
24	where there is in effect";

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every reasonable effort to conclude and sign a collec tive bargaining agreement.

3 "(B) If after the expiration of the 90-day pe-4 riod beginning on the date on which bargaining is 5 commenced, or such additional period as the parties 6 may agree upon, the parties have failed to reach an 7 agreement, either party may notify the Federal Me-8 diation and Conciliation Service that a dispute ex-9 ists, and may request mediation. Whenever such a 10 request is received, the Service shall promptly com-11 municate with the parties and use its best efforts, by mediation and conciliation, to secure an agreement. 12

13 "(C) If after the expiration of the 30-day period 14 beginning on the date on which the request for mediation is made under subparagraph (B), or such ad-15 16 ditional period as the parties may agree upon, the 17 Service is not able to bring the parties to agreement 18 by conciliation, the Service shall refer the dispute to 19 a 3-person arbitration panel established in accord-20 ance with such regulations as may be prescribed by 21 the Service, with one member selected by the indi-22 vidual or labor organization, one member selected by 23 the employer, and one neutral member mutually 24 agreed to by the parties. The individual or labor or-25 ganization and the employer must each select the BON25038 9CW

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1	members of the 3-person arbitration panel within 14
2	days of the Service's referral; if the individual or
3	labor organization or the employer fail to do so, the
4	Service shall designate any members not selected by
5	the individual or labor organization or by the em-
6	ployer. A majority of the 3-person arbitration panel
7	shall render a decision settling the dispute and such
8	decision shall be binding upon the parties for a pe-
9	riod of 2 years, unless amended during such period
10	by written consent of the parties. Such decision shall
11	be based on—
12	"(i) the employer's financial status and
13	prospects;
14	"(ii) the size and type of the employer's
15	operations and business;
16	"(iii) the employees' cost of living;
17	"(iv) the employees' ability to sustain
18	themselves, their families, and their dependents
19	on the wages and benefits they earn from the
20	employer; and
21	"(v) the wages and benefits other employ-
22	ers in the same business provide their employ-
23	ees."; and

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(2) in subsection (g), by striking "clause (B) of
 the last sentence of section 8(d) of this Act" and in serting "subsection (d)(2)(B)".

4 SEC. 4. GAO REPORT EXAMINING AVERAGE WORKPLACE
5 TIME-TO-CONTRACT.

Not later than 1 year after the date of enactment
of this Act, the Comptroller General of the United States
shall submit to Congress a report examining the average
number of days between—

(1) the date on which an individual or labor organization is certified or recognized as the representative of employees under section 9(a) of the National
Labor Relations Act (29 U.S.C. 159(a)), following
the date of enactment of this Act; and

(2) the date on which the parties enter into aninitial collective bargaining agreement.