

117TH CONGRESS
1ST SESSION

H. R. 5178

To amend the National Labor Relations Act to clarify employer rights with regard to hiring.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2021

Mr. ALLEN (for himself, Mr. NORMAN, Mr. PERRY, and Mr. AUSTIN SCOTT of Georgia) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the National Labor Relations Act to clarify employer rights with regard to hiring.

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 2021”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:

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.

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

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

21 (b) PURPOSES.—The purposes of this Act are—

22 (1) to preserve the balance of rights between
23 employers, employees, and labor organizations; and

24 (2) to alleviate pressure on employers to hire
25 individuals who seek or gain employment in order to

1 disrupt the workplace of the employer or otherwise
2 inflict economic harm designed to put the employer
3 out of business.

4 **SEC. 3. PROTECTION OF EMPLOYER RIGHTS.**

5 Section 8(a) of the National Labor Relations Act (29
6 U.S.C. 158(a)) is amended by adding after and below
7 paragraph (5) the following:
8 “Nothing in this subsection shall be construed as requir-
9 ing an employer to employ any person who seeks or has
10 sought employment with the employer in furtherance of
11 other employment or agency status.”.

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