

111TH CONGRESS
1ST SESSION

S. 1227

To amend the National Labor Relations Act to protect employer rights.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2009

Mr. DEMINT (for himself, Mr. WICKER, Mr. BUNNING, and Mr. VITTER) 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 protect employer rights.

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 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that:

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 which is fundamental to the system of collec-
8 tive bargaining of the United States.

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

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

22 **SEC. 3. PURPOSES.**

23 The purposes of this Act are—

24 (1) to preserve the balance of rights between
25 employers, employees, and labor organizations which

1 is fundamental to the system of collective bargaining
2 of the United States;

3 (2) to preserve the rights of workers to orga-
4 nize, or otherwise engage in concerted activities pro-
5 tected under the National Labor Relations Act; and

6 (3) to alleviate pressure on employers to hire
7 individuals who seek or gain employment in order to
8 disrupt the workplace of the employer or otherwise
9 inflict economic harm designed to put the employer
10 out of business.

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

12 Section 8(a) of the National Labor Relations Act (29
13 U.S.C. 158(a)) is amended by adding after and below
14 paragraph (5) the following:

15 “Nothing in this subsection shall be construed as requir-
16 ing an employer to employ any person who seeks or has
17 sought employment with the employer in furtherance of
18 other employment or agency status.”.

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