A BILL

To amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

JULY 27 (Legislative Day, June 30), 1993

Reported without amendment

[July 27 (Legislative Day, June 30), 1993]
To amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

IN THE SENATE OF THE UNITED STATES

JANUARY 21 (legislative day, JANUARY 5), 1993

Mr. METZENBAUM (for himself, Mr. KENNEDY, Mr. HATFIELD, Mr. PELL, Mr. DODD, Mr. SIMON, Mr. HARKIN, Mr. WELLSTONE, Mr. WOFFORD, Mr. AKAKA, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. CAMPBELL, Mr. DASCHLE, Mr. FEINGOLD, Mr. KERRY, Mr. KERREY, Mr. GLENN, Mr. INOUYE, Mr. LEVIN, Mr. LIBERMAN, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. RIEGLE, Mr. SARBANES, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. MITCHELL, Mr. SASSER, Mr. BAUCUS, Mr. ROCKEFELLER, Mrs. FEINSTEIN, Ms. MURRAY, Mr. EXON, Mr. BYRD, Mr. JOHNSTON, Mr. CONRAD, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources.

JULY 27 (legislative day, JUNE 30), 1993

Reported by Mr. KENNEDY, without amendment

A BILL

To amend the National Labor Relations Act and the Railway Labor Act to prevent discrimination based on participation in labor disputes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF LABOR DISPUTES.

Section 8(a) of the National Labor Relations Act (29 U.S.C. 158(a)) is amended—

(1) by striking the period at the end of paragraph (5) and inserting ‘‘; or’’; and

(2) by adding at the end thereof the following new paragraph:

‘‘(6) to promise, to threaten, or take other action—

‘‘(i) to hire a permanent replacement for an employee who—

‘‘(A) at the commencement of a labor dispute was an employee of the employer in a bargaining unit in which a labor organization was the certified or recognized exclusive representative or, on the basis of written authorizations by a majority of the unit employees, was seeking to be so certified or recognized; and

‘‘(B) in connection with that dispute has engaged in concerted activities for the purpose of collective bargaining or other mutual aid or protection through that labor organization; or
“(ii) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraph (A) and (B) of clause (i) and who is working for or has unconditionally offered to return to work for the employer, out of a preference for any other individual that is based on the fact that the individual is performing, has performed or has indicated a willingness to perform bargaining unit work for the employer during the labor dispute.”.

SEC. 2. PREVENTION OF DISCRIMINATION DURING AND AT THE CONCLUSION OF RAILWAY LABOR DISPUTES.

Paragraph Fourth of section 2 of the Railway Labor Act (45 U.S.C. 152) is amended—

(1) by inserting “(a)” after “Fourth.”; and

(2) by adding at the end thereof the following:

“(b) No carrier, or officer or agent of the carrier, shall promise, threaten or take other action—

“(1) to hire a permanent replacement for an employee who—

“(A) at the commencement of a dispute was an employee of the carrier in a craft or class in which a labor organization was the des-
ignated or authorized representative or, on the basis of written authorizations by a majority of the craft or class, was seeking to be so designated or authorized; and

“(B) in connection with that dispute has exercised the right to join, to organize, to assist in organizing, or to bargain collectively through that labor organization; or

“(2) to withhold or deny any other employment right or privilege to an employee, who meets the criteria of subparagraphs (A) and (B) of paragraph (1) and who is working for or has unconditionally offered to return to work for the carrier, out of a preference for any other individual that is based on the fact that the individual is employed, was employed, or indicated a willingness to be employed during the dispute.”.