

HR 3094

Workforce Democracy and Fairness Act

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Oct 5, 2011

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 262.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 262.
(Dec 16, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/3094>

Sponsor

Name: Rep. Kline, John [R-MN-2]

Party: Republican • **State:** MN • **Chamber:** House

Cosponsors (37 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bucshon, Larry [R-IN-8]	R · IN		Oct 5, 2011
Rep. DesJarlais, Scott [R-TN-4]	R · TN		Oct 5, 2011
Rep. Foxx, Virginia [R-NC-5]	R · NC		Oct 5, 2011
Rep. Gowdy, Trey [R-SC-4]	R · SC		Oct 5, 2011
Rep. Hunter, Duncan D. [R-CA-52]	R · CA		Oct 5, 2011
Rep. Kelly, Mike [R-PA-3]	R · PA		Oct 5, 2011
Rep. McKeon, Howard P. "Buck" [R-CA-25]	R · CA		Oct 5, 2011
Rep. Roby, Martha [R-AL-2]	R · AL		Oct 5, 2011
Rep. Roe, David P. [R-TN-1]	R · TN		Oct 5, 2011
Rep. Rokita, Todd [R-IN-4]	R · IN		Oct 5, 2011
Rep. Ross, Dennis A. [R-FL-12]	R · FL		Oct 5, 2011
Rep. Thompson, Glenn [R-PA-5]	R · PA		Oct 5, 2011
Rep. Walberg, Tim [R-MI-7]	R · MI		Oct 5, 2011
Rep. Wilson, Joe [R-SC-2]	R · SC		Oct 5, 2011
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Oct 6, 2011
Rep. Biggert, Judy [R-IL-13]	R · IL		Oct 12, 2011
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Oct 12, 2011
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Oct 12, 2011
Rep. Stivers, Steve [R-OH-15]	R · OH		Oct 12, 2011
Rep. Heck, Joseph J. [R-NV-3]	R · NV		Oct 14, 2011
Rep. Nunnelee, Alan [R-MS-1]	R · MS		Oct 14, 2011
Rep. Schock, Aaron [R-IL-18]	R · IL		Oct 14, 2011
Rep. Austria, Steve [R-OH-7]	R · OH		Oct 24, 2011
Rep. Gingrey, Phil [R-GA-11]	R · GA		Oct 24, 2011
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Oct 24, 2011
Rep. Schweikert, David [R-AZ-5]	R · AZ		Oct 25, 2011
Rep. Bartlett, Roscoe G. [R-MD-6]	R · MD		Oct 27, 2011
Rep. Canseco, Francisco "Quico" [R-TX-23]	R · TX		Oct 27, 2011
Rep. Duncan, Jeff [R-SC-3]	R · SC		Oct 27, 2011
Rep. Harris, Andy [R-MD-1]	R · MD		Oct 27, 2011
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Oct 27, 2011
Rep. Pearce, Stevan [R-NM-2]	R · NM		Oct 27, 2011
Rep. Ribble, Reid J. [R-WI-8]	R · WI		Oct 27, 2011
Rep. Schmidt, Jean [R-OH-2]	R · OH		Oct 27, 2011
Rep. Walsh, Joe [R-IL-8]	R · IL		Oct 27, 2011
Rep. Bachus, Spencer [R-AL-6]	R · AL		Nov 2, 2011
Rep. Calvert, Ken [R-CA-44]	R · CA		Nov 2, 2011

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Reported By	Nov 10, 2011

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

Bill	Relationship	Last Action
112 HRES 470	Procedurally related	Nov 18, 2011: Motion to reconsider laid on the table Agreed to without objection.
112 S 1843	Related bill	Nov 10, 2011: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.

Summary (as of Nov 30, 2011)

(This measure has not been amended since it was reported to the House on November 10, 2011. The summary of that version is repeated here.)

Workforce Democracy and Fairness Act - Amends the National Labor Relations Act (NLRA) to revise requirements for determination by the National Labor Relation Board (NLRB) of an appropriate bargaining unit before an election of collective bargaining representation. (In effect reverses the NLRB's August 26, 2011, decision in *Specialty Healthcare and Rehabilitation of Mobile* and its June 22, 2011, rulemaking regarding proposed changes to procedures involving the election of collective bargaining representation.)

Replaces the current restriction in the meaning of collective bargaining unit to employer unit, craft unit, plant unit, or subdivision. Requires the NLRB, instead, to determine a unit as appropriate for collective bargaining if it consists of employees that share a sufficient community of interest. Specifies factors the NLRB must consider when making such determinations.

Prohibits exclusion of employees from the unit unless the group's interest are sufficiently distinct from those of other employees to warrant the establishment of a separate unit.

Requires the NLRB, upon due notice, to provide a hearing at least 14 days after the filing of an election petition for collective bargaining representation to investigate those petitions the NLRB has reasonable cause to believe have a question of representation affecting commerce. Requires such hearings be non-adversarial.

Requires the NLRB to: (1) direct an election by secret ballot as soon as practicable, but in any event not before 35 calendar days following the filing of an election petition, in cases where a question of representation exists; and (2) acquire, at least 7 days after its final determination of the appropriate bargaining unit, a list of all eligible voters (including certain informational data) from the employer and make it available to all parties.

Actions Timeline

- **Dec 16, 2011:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 262.
- **Dec 15, 2011:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Dec 1, 2011:** Received in the Senate.
- **Nov 30, 2011:** Considered under the provisions of rule H. Res. 470. (consideration: CR H7957-7986)
- **Nov 30, 2011:** Rule provides for consideration of H.R. 3094 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and Workforce now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute.
- **Nov 30, 2011:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 470 and Rule XVIII.
- **Nov 30, 2011:** The Speaker designated the Honorable Ted Poe to act as Chairman of the Committee.
- **Nov 30, 2011:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 3094.
- **Nov 30, 2011:** DEBATE - Pursuant to the provisions of H. Res. 470, the Committee of the Whole proceeded with 10 minutes of debate on the Bishop (NY) amendment No. 1.
- **Nov 30, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Bishop (NY) amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Bishop (NY) demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until later in the legislative day.
- **Nov 30, 2011:** DEBATE - Pursuant to the provisions of H. Res. 470, the Committee of the Whole proceeded with 10 minutes of debate on the Boswell amendment No. 2.
- **Nov 30, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Boswell amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Boswell demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until later in the legislative day.
- **Nov 30, 2011:** DEBATE - Pursuant to the provisions of H. Res. 470, the Committee of the Whole proceeded with 10 minutes of debate on the Walz amendment No. 3.
- **Nov 30, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Walz amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Walz demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until later in the legislative day.
- **Nov 30, 2011:** DEBATE - Pursuant to the provisions of H. Res. 470, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee (TX) amendment No. 4.
- **Nov 30, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee (TX) amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mrs. Jackson Lee demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until later in the legislative day.
- **Nov 30, 2011:** Ms. Moore moved to strike the enacting clause.
- **Nov 30, 2011:** DEBATE - Mrs. Moore was recognized for 5 minutes to move that the Committee rise and report the bill to the House with recommendation that the enacting clause be stricken.
- **Nov 30, 2011:** On motion to strike the enacting clause Failed by recorded vote: 176 - 241 (Roll no. 863).
- **Nov 30, 2011:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3094.
- **Nov 30, 2011:** The previous question was ordered pursuant to the rule. (consideration: CR H7984)
- **Nov 30, 2011:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of committee amendment in the nature of a substitute: CR H7972-7973)
- **Nov 30, 2011:** Ms. Sutton moved to recommit with instructions to Education and the Workforce. (consideration: CR H7984-7985; text: CR H7984)
- **Nov 30, 2011:** DEBATE - The House proceeded with 10 minutes of debate on the Sutton motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House with an amendment to amend the National Labor Relations Act by adding provisions that ensure a level playing field for employees, fair and

equal access to voters prior to an election, and discourages outsourcing of jobs, pending reservation of a point of order. Subsequently, the reservation of a point of order was withdrawn.

- **Nov 30, 2011:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H7985)
- **Nov 30, 2011:** On motion to recommit with instructions Failed by recorded vote: 185 - 239 (Roll no. 868). (consideration: CR H7985)
- **Nov 30, 2011:** Passed/agreed to in House: On passage Passed by recorded vote: 235 - 188 (Roll no. 869).
- **Nov 30, 2011:** On passage Passed by recorded vote: 235 - 188 (Roll no. 869).
- **Nov 30, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 18, 2011:** Rule H. Res. 470 passed House.
- **Nov 17, 2011:** Rules Committee Resolution H. Res. 470 Reported to House. Rule provides for consideration of H.R. 3094 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Education and Workforce now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute.
- **Nov 10, 2011:** Reported (Amended) by the Committee on Education and the Workforce. H. Rept. 112-276.
- **Nov 10, 2011:** Placed on the Union Calendar, Calendar No. 186.
- **Oct 26, 2011:** Committee Consideration and Mark-up Session Held.
- **Oct 26, 2011:** Ordered to be Reported (Amended).
- **Oct 12, 2011:** Committee Hearings Held.
- **Oct 5, 2011:** Introduced in House
- **Oct 5, 2011:** Referred to the House Committee on Education and the Workforce.