

HR 3834

Workforce Democracy and Fairness Act

Congress: 118 (2023–2025, Ended)

Chamber: House

Policy Area: Labor and Employment

Introduced: Jun 5, 2023

Current Status: Referred to the House Committee on Education and the Workforce.

Latest Action: Referred to the House Committee on Education and the Workforce. (Jun 5, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/house-bill/3834>

Sponsor

Name: Rep. Walberg, Tim [R-MI-5]

Party: Republican • State: MI • Chamber: House

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Referred To	Jun 5, 2023

Subjects & Policy Tags

Policy Area:

Labor and Employment

Related Bills

No related bills are listed.

Workforce Democracy and Fairness Act

This bill establishes requirements for the National Labor Relations Board during a unionization election and the formation of a proposed bargaining unit. The bill also limits when the board is allowed to find that a workplace rule or policy is an unfair labor practice.

The bill sets minimum waiting periods for certain board activities during a unionization election. Specifically, the bill bars the board from conducting (1) a pre-election hearing earlier than 14 calendar days after receiving a petition to unionize, and (2) a union election earlier than 20 business days after the board directs the election. Additionally, the board must rule on all hearing issues and challenges before certifying an election. (The board currently exercises discretion about whether and when to rule on certain issues.)

The bill also requires the board to apply a *sufficient community of interest* analysis to determine the scope of a proposed bargaining unit. The board may not exclude workers from the unit if it determines that they are sufficiently similar according to eight factors, such as employees' compensation and job functions. Currently, the board accepts a proposed bargaining unit that excludes some workers unless the unit shares an overwhelming community of interest with those workers.

Finally, the board is only allowed to find that a facially neutral workplace rule violates labor law if (1) it has an adverse impact on an employee's right to collectively bargain, and (2) this adverse impact outweighs the employer's justification for the rule.

Actions Timeline

- **Jun 5, 2023:** Introduced in House
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