

112TH CONGRESS  
1ST SESSION

# H. R. 2153

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2011

Mr. KING of Iowa (for himself, Mr. DUNCAN of Tennessee, Mr. ROSS of Florida, Mr. GARY G. MILLER of California, Mr. BURTON of Indiana, and Ms. JENKINS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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 2011”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

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 which is fundamental to our system of collec-  
8           tive bargaining.

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

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

1 is fundamental to our system of collective bar-  
2 gaining;

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. 3. 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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