

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4320
OFFERED BY MR. KLINE**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Workforce Democracy
3 and Fairness Act”.

4 SEC. 2. PRE-ELECTION HEARINGS.

5 Section 9(c)(1) of the National Labor Relations Act
6 (29 U.S.C. 159(c)(1)) is amended in the matter following
7 subparagraph (B)—

8 (1) by inserting “, but in no circumstances less
9 than 14 calendar days after the filing of the peti-
10 tion” after “upon due notice”;

11 (2) by inserting after “with respect thereto.”
12 the following: “An appropriate hearing shall be one
13 that is non-adversarial with the hearing officer
14 charged, in collaboration with the parties, with the
15 responsibility of identifying any relevant and mate-
16 rial pre-election issues and thereafter making a full
17 record thereon. Relevant and material pre-election
18 issues shall include, in addition to unit appropriate-

1 ness, the Board’s jurisdiction and any other issue
2 the resolution of which may make an election unnec-
3 essary or which may reasonably be expected to im-
4 pact the outcome of the election. Parties may inde-
5 pendently raise any relevant and material pre-elec-
6 tion issue or assert any relevant and material posi-
7 tion at any time prior to the close of the hearing.”;
8 and

9 (3) by striking “and shall certify the results
10 thereof” and inserting “to be conducted as soon as
11 practicable but no earlier than 35 calendar days
12 after the filing of an election petition. The Board
13 shall certify the results of the election after it has
14 ruled on each pre-election issue not resolved before
15 the election and any additional issue pertaining to
16 the conduct or results of the election”.

