

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

At the end of the amendment insert the following:

1 **SEC. 3. DETERMINATION OF APPROPRIATE UNITS FOR**
2 **COLLECTIVE BARGAINING.**

3 Section 9(b) of the National Labor Relations Act (29
4 U.S.C. 159(b)) is amended—

5 (1) by redesignating paragraphs (1) through
6 (3) as subparagraphs (A) through (C);

7 (2) by striking “The Board shall decide” and
8 all that follows through “or subdivision thereof:”
9 and inserting the following: “(1) In each case, prior
10 to an election, the Board shall determine, in order
11 to assure to employees the fullest freedom in exer-
12 cising the rights guaranteed by this Act, the unit ap-
13 propriate for the purposes of collective bargaining.
14 Unless otherwise stated in this Act, and excluding
15 any bargaining unit determination promulgated
16 through rulemaking before August 26, 2011, the
17 unit appropriate for purposes of collective bargaining
18 shall consist of employees that share a sufficient
19 community of interest. In determining whether em-

1 employees share a sufficient community of interest, the
2 Board shall consider—

3 “(A) similarity of wages, benefits, and
4 working conditions;

5 “(B) similarity of skills and training;

6 “(C) centrality of management and com-
7 mon supervision;

8 “(D) extent of interchange and frequency
9 of contact between employees;

10 “(E) integration of the work flow and
11 interrelationship of the production process;

12 “(F) the consistency of the unit with the
13 employer’s organizational structure;

14 “(G) similarity of job functions and work;
15 and

16 “(H) the bargaining history in the par-
17 ticular unit and the industry.

18 To avoid the proliferation or fragmentation of bar-
19 gaining units, employees shall not be excluded from
20 the unit unless the interests of the group seeking a
21 separate unit are sufficiently distinct from those of
22 other employees to warrant the establishment of a
23 separate unit. Whether additional employees should
24 be included in a proposed unit shall be determined
25 based on whether such additional employees and

1 proposed unit members share a sufficient community
2 of interest, with the sole exception of proposed accre-
3 tions to an existing unit, in which the inclusion of
4 additional employees shall be based on whether such
5 additional employees and existing unit members
6 share an overwhelming community of interest and
7 the additional employees have little or no separate
8 identity.”; and

9 (3) by striking “*Provided, That the Board*” and
10 inserting the following:
11 “(2) The Board”.

