

## Union Calendar No. 134

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

## H. R. 743

[Report No. 104-248]

To amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

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 IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1995

Mr. GUNDERSON (for himself, Mr. FAWELL, Mr. GOODLING, Mr. HOEKSTRA, Mr. PETRI, Mrs. ROUKEMA, Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. TALENT, Mr. CHRISTENSEN, Mr. EMERSON, Mr. BEREUTER, Mr. BOEHNER, Mr. HOKE, Mr. LINDER, Mr. PORTER, Mr. PORTMAN, Mr. STENHOLM, and Mr. HAYES) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

SEPTEMBER 18, 1995

Additional sponsors: Mr. MCKEON, Mr. WELDON of Florida, Mr. FUNDERBURK, Mrs. MEYERS of Kansas, Mr. SAM JOHNSON of Texas, Mr. BATEMAN, Mr. UPTON, Mr. KNOLLENBERG, Mr. HUTCHINSON, Mr. DEAL of Georgia, Mr. KLUG, Mr. MILLER of Florida, Mr. NORWOOD, Mr. HALL of Texas, Mr. ZIMMER, Mr. QUILLEN, Mr. GRAHAM, Mr. SOUDER, Mr. CUNNINGHAM, Mr. RIGGS, Mr. CASTLE, Mr. HANCOCK, Mr. MCINTOSH, Mr. BONILLA, Mr. GALLEGLY, Mr. GREENWOOD, Mrs. SEASTRAND, Mr. DREIER, Mr. COMBEST, Mr. CRAPO, Mr. CRANE, Mr. COX of California, Mr. REGULA, Mr. BARTLETT of Maryland, Mr. BASS, Mr. HEFLEY, Mrs. MYRICK, Mr. CANADY of Florida, Mr. MCCOLLUM, Mr. COBLE, Mr. SCARBOROUGH, Mr. BRYANT of Tennessee, Mr. ALLARD, Mrs. FOWLER, Mr. THORNBERRY, Mr. BAKER of Louisiana, Mr. GOSS, Mr. WAMP, Mr. SALMON, Mr. HAYWORTH, Mr. CLINGER, Mr. BARTON of Texas, Mr. CHAMBLISS, Mr. BILBRAY, Mr. KOLBE, Mr. HASTINGS of Washington, Mr. HERGER, Mr. CALVERT, Mr. PARKER, Mr. LATHAM, Mr. HANSEN, Mr. DOOLITTLE, Mr. STUMP, Mrs. CHENOWETH, Mr. SMITH of Texas, Mr. INGLIS of South Carolina, Mr. BUNNING of Kentucky, Mr. WOLF, Mr. MCINNIS, Mr. WICKER, Ms. PRYCE, Mr. BACHUS, Mr. BARR, Mr. SPENCE, Mr. LAHOOD, Mr. MANZULLO, Mr. PAXON, Mr.

DICKEY, Mr. CALLAHAN, Mr. BLILEY, Mr. HILLEARY, Mr. HEINEMAN,  
Mr. GEKAS, Ms. DUNN of Washington, Mr. NUSSLE, Mr. BROWNBACK,  
Mrs. WALDHOLTZ, and Mrs. LINCOLN

SEPTEMBER 18, 1995

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

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 “Teamwork for Employ-  
5 ees and Managers Act of 1995”.

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

7 (a) FINDINGS.—Congress finds that—

8 (1) the escalating demands of global competi-  
9 tion have compelled an increasing number of employ-  
10 ers in the United States to make dramatic changes  
11 in workplace and employer-employee relationships;

12 (2) such changes involve an enhanced role for  
13 the employee in workplace decisionmaking, often re-  
14 ferred to as “Employee Involvement”, which has

1 taken many forms, including self-managed work  
2 teams, quality-of-worklife, quality circles, and joint  
3 labor-management committees;

4 (3) Employee Involvement programs, which op-  
5 erate successfully in both unionized and  
6 nonunionized settings, have been established by over  
7 80 percent of the largest employers in the United  
8 States and exist in an estimated 30,000 workplaces;

9 (4) in addition to enhancing the productivity  
10 and competitiveness of businesses in the United  
11 States, Employee Involvement programs have had a  
12 positive impact on the lives of such employees, better  
13 enabling them to reach their potential in work force;

14 (5) recognizing that foreign competitors have  
15 successfully utilized Employee Involvement tech-  
16 niques, the Congress has consistently joined busi-  
17 ness, labor and academic leaders in encouraging and  
18 recognizing successful Employee Involvement pro-  
19 grams in the workplace through such incentives as  
20 the Malcolm Baldrige National Quality Award;

21 (6) employers who have instituted legitimate  
22 Employee Involvement programs have not done so to  
23 interfere with the collective bargaining rights guar-  
24 anteed by the labor laws, as was the case in the

1 1930's when employers established deceptive sham  
2 "company unions" to avoid unionization; and

3 (7) Employee Involvement is currently threat-  
4 ened by legal interpretations of the prohibition  
5 against employer-dominated "company unions".

6 (b) PURPOSES.—The purpose of this Act is—

7 (1) to protect legitimate Employee Involvement  
8 programs against governmental interference;

9 (2) to preserve existing protections against de-  
10 ceptive, coercive employer practices; and

11 (3) to allow legitimate Employee Involvement  
12 programs to continue to evolve and proliferate.

13 **SEC. 3. EMPLOYER EXCEPTION.**

14 Section 8(a)(2) of the National Labor Relations Act  
15 is amended by striking the semicolon and inserting the  
16 following: “: *Provided further*, That it shall not constitute  
17 or be evidence of an unfair labor practice under this para-  
18 graph for an employer to establish, assist, maintain, or  
19 participate in any organization or entity of any kind, in  
20 which employees participate, to address matters of mutual  
21 interest, including issues of quality, productivity and effi-  
22 ciency, and which does not have, claim, or seek authority  
23 to negotiate or enter into collective bargaining agreements  
24 with the employer or to amend existing collective bargain-

1 ing agreements between the employer and any labor  
2 organization.”.

3 **SEC. 4. LIMITATION ON EFFECT OF ACT.**

4 Nothing in this Act shall affect employee rights and  
5 responsibilities contained in provisions other than section  
6 8(a)(2) of the National Labor Relations Act, as amended.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Teamwork for Employ-*  
9 *ees and Managers Act of 1995”.*

10 **SEC. 2. FINDINGS AND PURPOSES.**

11 *(a) FINDINGS.—Congress finds that—*

12 *(1) the escalating demands of global competition*  
13 *have compelled an increasing number of employers in*  
14 *the United States to make dramatic changes in work-*  
15 *place and employer-employee relationships;*

16 *(2) such changes involve an enhanced role for the*  
17 *employee in workplace decisionmaking, often referred*  
18 *to as “Employee Involvement”, which has taken*  
19 *many forms, including self-managed work teams,*  
20 *quality-of-worklife, quality circles, and joint labor-*  
21 *management committees;*

22 *(3) Employee Involvement programs, which op-*  
23 *erate successfully in both unionized and nonunionized*  
24 *settings, have been established by over 80 percent of*

1     *the largest employers in the United States and exist*  
2     *in an estimated 30,000 workplaces;*

3             (4) *in addition to enhancing the productivity*  
4     *and competitiveness of businesses in the United*  
5     *States, Employee Involvement programs have had a*  
6     *positive impact on the lives of such employees, better*  
7     *enabling them to reach their potential in the*  
8     *workforce;*

9             (5) *recognizing that foreign competitors have*  
10    *successfully utilized Employee Involvement techniques,*  
11    *the Congress has consistently joined business, labor*  
12    *and academic leaders in encouraging and recognizing*  
13    *successful Employee Involvement programs in the*  
14    *workplace through such incentives as the Malcolm*  
15    *Baldrige National Quality Award;*

16            (6) *employers who have instituted legitimate*  
17    *Employee Involvement programs have not done so to*  
18    *interfere with the collective bargaining rights guaran-*  
19    *teed by the labor laws, as was the case in the 1930's*  
20    *when employers established deceptive sham "company*  
21    *unions" to avoid unionization; and*

22            (7) *Employee Involvement is currently threat-*  
23    *ened by legal interpretations of the prohibition*  
24    *against employer-dominated "company unions".*

25    (b) *PURPOSES.*—*The purpose of this Act is—*

1           (1) to protect legitimate Employee Involvement  
2           programs against governmental interference;

3           (2) to preserve existing protections against de-  
4           ceptive, coercive employer practices; and

5           (3) to allow legitimate Employee Involvement  
6           programs, in which workers may discuss issues in-  
7           volving terms and conditions of employment, to con-  
8           tinue to evolve and proliferate.

9   **SEC. 3. EMPLOYER EXCEPTION.**

10        Section 8(a)(2) of the National Labor Relations Act  
11        is amended by striking the semicolon and inserting the fol-  
12        lowing: “: Provided further, That it shall not constitute or  
13        be evidence of an unfair labor practice under this para-  
14        graph for an employer to establish, assist, maintain, or par-  
15        ticipate in any organization or entity of any kind, in which  
16        employees participate, to address matters of mutual inter-  
17        est, including, but not limited to, issues of quality, produc-  
18        tivity, efficiency, and safety and health, and which does not  
19        have, claim, or seek authority to be the exclusive bargaining  
20        representative of the employees or to negotiate or enter into  
21        collective bargaining agreements with the employer or to  
22        amend existing collective bargaining agreements between  
23        the employer and any labor organization, except that in  
24        a case in which a labor organization is the representative

1 *of such employees as provided in section 9(a), this proviso*  
2 *shall not apply;”.*

3 **SEC. 4. LIMITATION ON EFFECT OF ACT.**

4 *Nothing in this Act shall affect employee rights and*  
5 *responsibilities contained in provisions other than section*  
6 *8(a)(2) of the National Labor Relations Act, as amended.*

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