

In the Senate of the United States,

July 10, 1996.

Resolved, That the bill from the House of Representatives (H.R. 743) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

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

4 ***SEC. 2. FINDINGS AND PURPOSES.***

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

6 *(1) the escalating demands of global competition*
7 *have compelled an increasing number of employers in*
8 *the United States to make dramatic changes in work-*
9 *place and employer-employee relationships;*

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

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

12 (4) *in addition to enhancing the productivity*
13 *and competitiveness of businesses in the United*
14 *States, Employee Involvement programs have had a*
15 *positive impact on the lives of such employees, better*
16 *enabling them to reach their potential in the*
17 *workforce;*

18 (5) *recognizing that foreign competitors have*
19 *successfully utilized Employee Involvement techniques,*
20 *the Congress has consistently joined business, labor*
21 *and academic leaders in encouraging and recognizing*
22 *successful Employee Involvement programs in the*
23 *workplace through such incentives as the Malcolm*
24 *Baldrige National Quality Award;*

1 (6) *employers who have instituted legitimate*
2 *Employee Involvement programs have not done so to*
3 *interfere with the collective bargaining rights guaran-*
4 *teed by the labor laws, as was the case in the 1930’s*
5 *when employers established deceptive sham “company*
6 *unions” to avoid unionization; and*

7 (7) *Employee Involvement is currently threat-*
8 *ened by legal interpretations of the prohibition*
9 *against employer-dominated “company unions”.*

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

11 (1) *to protect legitimate Employee Involvement*
12 *programs against governmental interference;*

13 (2) *to preserve existing protections against de-*
14 *ceptive, coercive employer practices; and*

15 (3) *to allow legitimate Employee Involvement*
16 *programs, in which workers may discuss issues in-*
17 *volving terms and conditions of employment, to con-*
18 *tinue to evolve and proliferate.*

19 **SEC. 3. EMPLOYER EXCEPTION.**

20 *Section 8(a)(2) of the National Labor Relations Act*
21 *is amended by striking the semicolon and inserting the fol-*
22 *lowing: “: Provided further, That it shall not constitute or*
23 *be evidence of an unfair labor practice under this para-*
24 *graph for an employer to establish, assist, maintain, or par-*
25 *ticipate in any organization or entity of any kind, in which*

1 *employees who participate to at least the same extent prac-*
2 *ticable as representatives of management participate, to ad-*
3 *dress matters of mutual interest, including, but not limited*
4 *to, issues of quality, productivity, efficiency, and safety and*
5 *health, and which does not have, claim, or seek authority*
6 *to be the exclusive bargaining representative of the employ-*
7 *ees or to negotiate or enter into collective bargaining agree-*
8 *ments with the employer or to amend existing collective bar-*
9 *gaining agreements between the employer and any labor*
10 *organization, except that in a case in which a labor organi-*
11 *zation is the representative of such employees as provided*
12 *in section 9(a), this proviso shall not apply;”.*

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

14 *Nothing in this Act shall affect employee rights and*
15 *responsibilities contained in provisions other than section*
16 *8(a)(2) of the National Labor Relations Act, as amended.*

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 743

AMENDMENT