

104TH CONGRESS
1ST SESSION

S. 782

To amend the National Labor Relations Act and the Labor Management Relations Act, 1947, to permit additional remedies in certain unfair labor practice cases, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9 (legislative day, MAY 1), 1995

Mr. SIMON introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the National Labor Relations Act and the Labor Management Relations Act, 1947, to permit additional remedies in certain unfair labor practice cases, 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 “Labor Relations Rem-
5 edies Act of 1995”.

6 **SEC. 2. BOARD REMEDIES.**

7 Section 10(c) of the National Labor Relations Act
8 (29 U.S.C. 160(c)) is amended by inserting after the

1 fourth sentence the following new sentence: “If the Board
2 finds that an employee was discharged as a result of an
3 unfair labor practice, the Board in such order shall (1)
4 award back pay in an amount equal to three times the
5 employee’s wage rate at the time of the unfair labor prac-
6 tice and (2) notify such employee of such employee’s right
7 to sue for punitive damages and damages with respect to
8 a wrongful discharge under section 303 of the Labor Man-
9 agement Relations Act, 1947 (29 U.S.C. 187), as amend-
10 ed by the Labor Relations Remedies Act of 1995.”.

11 **SEC. 3. COURT REMEDIES.**

12 Section 303 of the Labor Management Relations Act,
13 1947 (29 U.S.C. 187), is amended by adding at the end
14 the following new subsections:

15 “(c) It shall be unlawful, for purposes of this section,
16 for any employer to discharge an employee for exercising
17 rights protected under the National Labor Relations Act
18 (29 U.S.C. 158).

19 “(d) An employee whose discharge is determined by
20 the National Labor Relations Board under section 10(c)
21 of the National Labor Relations Act (29 U.S.C. 160(c))
22 to be as a result of an unfair labor practice under section
23 8 of such Act may file a civil action in any district court
24 of the United States, without respect to the amount in
25 controversy, to recover punitive damages or if actionable,

- 1 in any State court to recover damages based on a wrongful
- 2 discharge.”.

