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BIG LABOR'S CHRISTMAS WISH LIST

Legislation to Monitor in the 111th Congress

With Big Labor giving 91 percent of political contributions to Democrats according to OpenSecrets.org in the recent 2008 giving cycle, the Alliance for Worker Freedom (AWF) has put together a “Christmas Wish List” of what Big Labor wants. This new 111th Congress has the choice: either side with worker freedom or become union puppets.

LEGISLATION BIG LABOR WANTS

[H.R. 800 / S. 1041](#) – THE EMPLOYEE FREE CHOICE ACT (EFCA)

Common Name: “Card Check”

Introduced by: Rep. George Miller (D-CA) / Sen. Edward Kennedy (D-MA)

Cosponsors: [233](#) / [46](#)

What it will do: Replace secret ballot on unionization elections with “card check”; Create additional employer penalties for unfair labor practices; and Create mandatory arbitration when parties disagree on union contract.

Last Action: H.R. 800 passed House (241-185) (Vote # 118, 3/1/2007); Senate cloture vote on motion to proceed failed (51-48) (Vote #227, 6/26/2007) / S. 1041 referred to Senate committee (3/29/2007).

[H.R. 2831](#) – LILLY LEDBETTER FAIR PAY ACT

Common Name: “Ledbetter”

Introduced by: Rep. George Miller (D-CA)

Cosponsors: [93](#)

What it will do: Expand the Civil Rights Act, the Age Discrimination in Employment Act, the Americans With Disabilities Act and the Rehabilitation Act to require ‘equal’ compensation for women. Create a violation for discriminatory compensation each time an employee is paid less than is deemed fair.

Last Action: H.R. 2831 passed House (225-199) (Vote # 768, 7/31/2007); Senate cloture vote on motion to proceed failed (56-42) (Vote # 110, 4/23/2008).

[H.R. 1644 / S. 969](#) – THE RE-EMPOWERMENT OF SKILLED AND PROFESSIONAL EMPLOYEES AND CONSTRUCTION TRADEWORKERS ACT

Common Name: “The R.E.S.P.E.C.T. Act”

Introduced by: Rep. Robert Andrews (D-NJ) / Sen. Christopher Dodd (D-CT)

Cosponsors: [163](#) / [31](#)

What it will do: Dramatically limit which workers the National Labor Relations Act classifies as supervisors, thus allowing unions to collect dues from those formerly classified as supervisors.

Last Action: H.R. 1644 ordered to be reported by committee (26-20) (9/19/2007) / S. 969 referred to Senate committee (3/22/2007).

[H.R. 980](#) / [S. 2123](#) – PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT

Common Name: “Firefighters’ Bill”

Introduced by: Rep. Dale Kildee (D-MI) / Sen. Judd Gregg (R-NH)

Cosponsors: [280](#) / [36](#)

What it will do: Provide collective bargaining rights for public safety officers employed by states or local governments.

Last Action: H.R. 980 passed House (314-97) (Vote # 633, 7/17/2007); Senate cloture motion withdrawn by unanimous consent (5/15/2008) / S. 2123 referred to Senate committee (10/1/2007).

[H.R. 6477](#) – “TO REPEAL A LIMITATION IN THE LABOR-MANAGEMENT RELATIONS ACT . . .”

Common Name: “Right to Work Repeal”

Introduced by: Rep. Brad Sherman (D-CA)

Cosponsors: [8](#)

What it will do: Repeal the provision of federal law that allows individual states to pass Right to Work laws, which grant workers the freedom to remain employed at union shops without becoming union members.

Last Action: H.R. 6477 referred to House committee (7/10/2008).

[S. 2044](#) – INDEPENDENT CONTRACTOR PROPER CLASSIFICATION ACT

Common Name: “Independent Contractor Reform”

Introduced by: Sen. Barack Obama (D-IL)

Cosponsors: [6](#)

What it will do: Restrict workers that can be classified as independent contractors and allow IRS collect back taxes from businesses that previously “misclassified” workers.

Last Action: S. 2044 referred to Senate committee (9/12/2007).

[H.R. 6111](#) – EMPLOYEE MISCLASSIFICATION PREVENTION ACT

Common Name: “Independent Contractor Reform”

Introduced by: Rep. Robert Andrews (D-NJ)

Cosponsors: [23](#)

What it will do: Create new requirement that businesses maintain records of all hired independent contractors and create new penalties for businesses that misclassify independent contractors.

Last Action: H.R. 6111 referred to House subcommittee (6/2/2008).

[H.R. 5804](#) – TAXPAYER RESPONSIBILITY, ACCOUNTABILITY, AND CONSISTENCY ACT

Common Name: “TRAC Act”

Introduced by: Rep. James McDermott (D-WA)

Cosponsors: [37](#)

What it will do: Amend the Internal Revenue Code to restrict the kinds of workers who can be classified as independent contractors.

Last Action: H.R. 5804 referred to House subcommittee (4/15/2008).

[H.R. 7233](#) – FAMILY AND MEDICAL LEAVE ENHANCEMENT ACT

Common Name: “FMLA Expansion”

Introduced by: Rep. Carolyn Maloney (D-NY)

Cosponsors: [5](#)

What it will do: Expand the scope of the Family and Medical Leave Act to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children’s and grandchildren’s educational and extracurricular activities and to extend leave for routine family medical needs and to assist elderly relatives.

Last Action: H.R. 5804 referred to House subcommittee (9/29/2008).

S. 1894 – SUPPORT FOR INJURED SERVICEMEMBERS ACT

Common Name: None

Introduced by: Sen. Christopher Dodd (D-CT)

Cosponsors: [10](#)

What it will do: Expand the scope of the Family and Medical Leave Act to provide family and medical leave to primary caregivers of service-members with combat-related injuries.

Last Action: S. 1894 referred to Senate subcommittee (7/26/2007).

H.R. 1542 / S. 910 – HEALTHY FAMILIES ACT

Common Name: None

Introduced by: Rep. Rosa DeLauro (D-CT) / Sen. Edward Kennedy (D-MA)

Cosponsors: [106](#) / [24](#)

What it will do: Require employers with more than 15 employees to offer full-time employees 7 days of paid sick leave per year. Mandate that the sick time could be used for the employee's illness or to care for a child, parent, spouse, blood relative or domestic partner.

Last Action: H.R. 1542 referred to House subcommittee (3/15/07) / S. 910 referred to Senate subcommittee (3/15/2007).

H.R. 4301 / S. 2419 – WORKING FAMILIES FLEXIBILITY ACT

Common Name: None

Introduced by: Rep. Carolyn Maloney (D-NY) / Sen. Edward Kennedy (D-MA)

Cosponsors: [7](#) / [4](#)

What it will do: Requires employers to “consider” employee requests for flexible work terms and conditions. Creates employer penalties for failure to sufficiently “consider” these requests.

Last Action: H.R. 4301 referred to House subcommittee (2/05/2008) / S. 2419 referred to Senate subcommittee (12/06/2007).

S. 1945 – PATRIOT EMPLOYERS ACT

Common Name: None

Introduced by: Sen. Richard Durbin (D-IL)

Cosponsors: [3](#)

What it will do: Create a new Federal income tax credit for businesses deemed “Patriot employers.” Patriot employers are those that: 1) Pay at least 60% of employees’ health care premiums; 2) Have a position of “neutrality in employee [union] organizing drives”; 3) Maintain or increase the number of workers in the U.S. relative to the number of workers outside the U.S.; 4) Pay a salary to all employees at least equal to the federal poverty level; and 5) Provide a pension plan.

Last Action: S. 1945 referred to Senate subcommittee (8/02/2007).

S. 1725 – RESTORING PENSION PROMISES TO WORKERS ACT

Common Name: None

Introduced by: Sen. Thomas Harkin (D-IA)

Cosponsors: [1](#)

What it will do: Amends the tax code to require employers to consider as gross income previous pension contributions that do not meet certain participation, vesting, and minimum benefit requirements. Amends ERISA to: 1) Deny businesses the right to recover overpayments made to pensioners in cases of hardship or insignificant amounts; 2) Impose a three-year limitations period for employers to bring an action to recover an overpayment; and 3) Create a new Department of Labor board to oversee pension administration by employers.

Last Action: S. 1725 referred to Senate subcommittee (6/28/2007).

H.R. 2320 / S. 1107 – A BILL TO AMEND THE NATIONAL LABOR RELATIONS ACT AND THE RAILWAY LABOR ACT TO PREVENT DISCRIMINATION BASED ON PARTICIPATION IN LABOR DISPUTES

Common Name: “Striker Replacement Act”

The Alliance for Worker Freedom is a non-partisan special project of Americans for Tax Reform dedicated to combating anti-worker legislation and the promotion of a free and open labor market.

Introduced by: Rep. John Tierney (D-MA) / Sen. Tom Harkin (D-IA)

Cosponsors: [28](#) / [17](#)

What it will do: Prohibit employers from offering replacement workers permanent jobs on the same terms as striking workers. Require employers to fire any replacement workers whenever the strikers choose to return.

Last Action: H.R. 2320 referred to House subcommittee (3/11/2002) / S. 1107 referred to Senate committee (6/27/2001). (Currently Dead)

[H.R. 3685](#) – EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

Common Name: “Striker Replacement Act”

Introduced by: Rep. Barney Frank (D-MA)

Cosponsors: [9](#)

What it will do: To prohibit employment discrimination on the basis of sexual orientation.

Last Action: H.R. 3685 passed House (235-184) (Vote # 1057); placed on Senate legislative calendar until General Orders (11/13/2007).

[H.R. 1322](#) – EMERGENCY RETIREE HEALTH BENEFITS PROTECTION ACT OF 2007

Common Name: None

Introduced by: Rep. John Tierney (D-MA)

Cosponsors: [86](#)

What it will do: Amend ERISA to prohibit group health plans from reducing retiree health benefits after the retirement of a plan beneficiary. Require group health plan sponsors to grant retired plan participants the option of benefit restoration.

Last Action: H.R.1322 referred to House subcommittee (6/05/2007).

[S. 1792](#) – FOREWARN ACT OF 2007

Common Name: None

Introduced by: Sen. Sherrod Brown (D-OH)

Cosponsors: [9](#)

What it will do: Amend the Worker Adjustment and Retraining Notification Act, which requires employers large employers warn employees of impending plant closings or mass layoffs, by: 1) Making WARN apply to small businesses over 50 employees; 2) Reduce the size of “plant closings” which require notice from 50 to 25 employees; 3) Increase the notice requirement from 60 to 90 days; and 4) increase the penalty from its present amount of back pay and benefits for 60 days to 90 days.

Last Action: S. 1792 referred to Senate committee (7/16/2007).

[H.R. 3010](#) / [S. 1782](#) – ARBITRATION FAIRNESS ACT OF 2007

Common Name: None

Introduced by: Rep. Henry Johnson (D-GA) / Sen. Russ Feingold (D-WI)

Cosponsors: [103](#) / [7](#)

What it will do: Prohibit pre-dispute binding mandatory arbitration agreements in all contracts involving employees, consumers or franchisees, and “in disputes arising under any statute intended to protect civil rights or to regulate contracts or transactions between parties of unequal bargaining power.”

Last Action: H.R. 3010 referred to full House committee by voice vote (7/15/2008) / Judiciary Committee hearings held on S. 1782 (12/12/2007).

[H.R. 1338](#) / [S. 766](#) – PAYCHECK FAIRNESS ACT OF 2007

Common Name: None

Introduced by: Rep. Rosa DeLauro (D-CT) / Sen. Hillary Clinton (D-NY)

Cosponsors: [230](#) / [24](#)

What it will do: Amend the Fair Labor Standards Act of 1938 to increase employer penalties and employee remedies for wage discrimination on the basis of sex.

The Alliance for Worker Freedom is a non-partisan special project of Americans for Tax Reform dedicated to combating anti-worker legislation and the promotion of a free and open labor market.

Last Action: H.R. 1338 passed House (247-178) (Vote # 556, 7/31/2008); referred to Senate committee (8/01/2008) / S. 766 referred to Senate committee (03/06/2007).

LEGISLATION BIG LABOR OPPOSES

H.R. 6220 – GREEN JOBS IMPROVEMENT ACT

Common Name: None

Introduced by: Rep. John Kline (R-MN)

Cosponsors: [47](#)

What it will do: Amend the Workforce Investment Act of 1998 to make non-union programs eligible for Federal funding under the “Green Jobs” program.

Last Action: H.R. 6220 referred to House committee (6/10/2008).

H.R. XXXX – COMPETITIVE OPEN MARKET PROTECTIONS ACT

Common Name: COMP Act

Introduced by: Rep. Tom Feeney (R-FL)

Cosponsors: n/a

What it will do: Promote efficiency and savings in government activities through the increased use of competitive sourcing and other privatization methods.

Last Action: Rep. Feeney is collecting co-sponsors. Contact Erin Kanoy at e.kanoy@mail.house.gov or 202.225.2706

H.R. 2558 / S. 1597 – GOVERNMENT NEUTRALITY IN CONTRACTING ACT

Common Name: None

Introduced by: Rep. John Sullivan (R-OK) / Sen. David Vitter (R-LA)

Cosponsors: [10](#) / [1](#)

What it will do: Maintain open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

Last Action: H.R. 2558 referred to House committee (6/05/2007) / S. 1597 referred to Senate committee (6/12/2007).

H.R. 5775 / S. 2878 – LABOR MANAGEMENT REPORTING AND DISCLOSURE ENFORCEMENT ACT

Common Name: “LMRDA Enforcement Act”

Introduced by: Rep. Peter Sessions (R-TX) / Sen. John Cornyn (R-TX)

Cosponsors: [25](#) / [10](#)

What it will do: Create civil penalties for failure to disclose union financial expenditures are required by the Labor-Management Reporting and Disclosure Act of 1959.

Last Action: H.R. 5775 referred to House committee (4/10/2008) / S. 2878 referred to Senate committee (4/17/2008).