



Comparison of the PRO Act and Faster Labor Contracts Act

Richard L. Trumka Protecting the Right to Organize Act (S. 852)

SEC. 104. UNFAIR LABOR PRACTICES ([link to text](#))

Faster Labor Contracts Act (S. 844, H.R. 5408)

([link to text](#))

Section 104(4)

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by striking “For the purposes of this section” and inserting “(1) For purposes of this section”;

(C) by inserting “(and to maintain current wages, hours, and terms and conditions of employment pending an agreement)” after “arising thereunder”;

(D) by inserting “: *Provided*, That an employer’s duty to collectively bargain shall continue absent decertification of the labor organization following an election conducted pursuant to section 9” after “making of a concession”;

(E) by inserting “*further*” before “, That where there is in effect”;

(F) by striking “The duties imposed” and inserting “(2) The duties imposed”;

(G) by striking “by paragraphs (2), (3), and (4)” and inserting “by subparagraphs (B), (C), and (D) of paragraph (1)”;

(H) by striking “section 8(d)(1)” and inserting “paragraph (1)(A)”;

(I) by striking “section 8(d)(3)” each place it appears and inserting “paragraph (1)(C)”;

(J) by striking “section 8(d)(4)” and inserting “paragraph (1)(D)”;

(K) by adding at the end the following:

“(3) Whenever collective bargaining is for the purpose of establishing an initial collective bargaining agreement following certification or recognition of a labor organization, the following shall apply:

“(A) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly recognized or certified as a representative as defined in section 9(a), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively, and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

“(B) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service ~~that a dispute exists, of the existence of a dispute~~ and request mediation. Whenever such a request is received, ~~it shall be the duty of~~ the Service shall promptly ~~communicate to put itself in communication~~ with the parties and ~~to~~ use its best efforts, by mediation and conciliation, to ~~secure an bring them to~~ agreement.

“(C) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under subparagraph (B), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to a ~~3-person tripartite~~ arbitration panel established in accordance with such regulations as may be prescribed by the Service, with one member selected by the ~~individual or~~ labor organization, one member selected by the employer, and one neutral member mutually agreed to by the parties. The ~~individual or~~ labor organization and employer must each select the members of the ~~3-person tripartite~~ arbitration panel within 14 days of the Service’s referral; if the labor organization or employer fail to do so, the Service shall designate any members not selected by the ~~individual or~~ labor organization or the employer. A majority of the ~~3-person tripartite~~ arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties. Such decision shall be based on—

“(i) the employer’s financial status and prospects;

“(ii) the size and type of the employer’s operations and business;

“(iii) the employees’ cost of living;

“(iv) the employees’ ability to sustain themselves, their families, and their dependents on the wages and benefits they earn from the employer; and

“(v) the wages and benefits other employers in the same business provide their employees.”; ~~and~~

(2) in subsection (g), by striking “clause (B) of the last sentence of section 8(d) of this Act” and inserting “subsection (d)(2)(B)”.

SEC. 4. GAO REPORT EXAMINING AVERAGE WORKPLACE TIME-TO-CONTRACT.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report examining the average number of days between—

(1) the date on which an individual or labor organization is certified or recognized as the representative of employees under section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), following the date of enactment of this Act; and

(2) the date on which the parties enter into an initial collective bargaining agreement.