

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2474
OFFERED BY Mr. Fulcher**

In section 2(e), redesignate paragraphs (1) and (2) as paragraphs (2) and (3), respectively.

In section 2(e), insert before paragraph (2) (as so redesignated) the following:

1 (1) in subsection (a), by adding at the end the
2 following: “: *Provided further*, That an employer’s
3 voluntary recognition of a labor organization as ex-
4 clusive bargaining representative of an appropriate
5 unit of the employer’s employees under this sub-
6 section, and any collective-bargaining agreement exe-
7 cuted by the parties on or after the date of voluntary
8 recognition, will not bar the processing of an election
9 petition unless (1) the employer and labor organiza-
10 tion notify the Regional office that recognition has
11 been granted; (2) the employer posts a notice of rec-
12 ognition (provided by the Regional Office) informing
13 employees that recognition has been granted and
14 that they have a right, during a 45-day period to file
15 a decertification or rival-union petition; and (3) 45

1 days from the posting date pass without a properly
2 supported petition being filed.”; and

Page 15, line 21, strike the quotation marks and all
that follows.

Page 15, after line 21, insert the following:

3 “(9) Whenever any party to a representation
4 proceeding files an unfair labor practice charge to-
5 gether with a request that it block the election proc-
6 ess, or whenever any party to a representation pro-
7 ceeding requests that its previously filed unfair labor
8 practice charge block the election process, the party
9 shall simultaneously file, but not serve on any other
10 party, a written offer of proof in support of the
11 charge. The offer of proof shall provide the names
12 of the witnesses who will testify in support of the
13 charge and a summary of each witness’s anticipated
14 testimony. The party seeking to block the election
15 process shall also promptly make available to the re-
16 gional director the witnesses identified in its offer of
17 proof. The regional director shall continue to process
18 the petition and conduct the election. If the charge
19 has not been withdrawn, dismissed, or settled prior
20 to the conclusion of the election, the ballots shall be
21 impounded until there is a final determination re-

1 garding the charge and its effect, if any, on the elec-
2 tion petition or fairness of the election.”; and



