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(Original Signature of Member)

117TH CONGRESS **H. J. RES.**
2^D SESSION

To provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees.

IN THE HOUSE OF REPRESENTATIVES

M . introduced the following joint resolution; which was referred to the Committee on

JOINT RESOLUTION

To provide for a resolution with respect to the unresolved disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employ-ees.

Whereas the unresolved labor disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organi-zations threaten essential transportation services of the United States;

Whereas it is in the national interest, including the national health, agriculture, interstate commerce, and defense, that essential transportation services be maintained;

~~Whereas the President, pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), by Executive Order No. 14077 of July 15, 2022, created Presidential Emergency Board No. 250 to investigate the disputes and report findings;~~

~~Whereas the recommendations of Presidential Emergency Board No. 250 issued on August 16, 2022, formed the basis for tentative agreements between all of the parties to the disputes;~~

~~Whereas some, but not all, of the tentative agreements have been ratified by the union memberships in final resolution of certain of the disputes between the parties;~~

~~Whereas unresolved disputes remain between the parties whose tentative agreements were not ratified by the union memberships;~~

~~Whereas the recommendations of Presidential Emergency Board No. 250 issued on August 16, 2022, have not resulted in a final resolution of all the disputes;~~

~~Whereas all the procedures provided under the Railway Labor Act (45 U.S.C. 151 et seq.), and further procedures agreed to by the parties, have been exhausted and have not resulted in a final resolution of all the disputes;~~

~~Whereas it is desirable that all such disputes be resolved in a manner which encourages solutions reached through collective bargaining;~~

Whereas the President, by Executive Order 14077 of July 15, 2022 (87 Fed. Reg. 43203; relating to establishing an emergency board to investigate disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations), and pursuant to the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), created Presidential Emergency Board Numbered 250 to investigate the disputes and report findings;

Whereas the recommendations of Presidential Emergency Board Numbered 250, issued on August 16, 2022, have not resulted in settlement of all of the disputes;

Whereas workers in the rail industry, doing difficult and dangerous work, receive no guaranteed paid sick leave and are often disciplined and even terminated for becoming ill, seeking medical attention, or caring for ill family members;

Whereas the rail industry is making record-breaking profits and spending billions providing returns to shareholders, yet refuses to provide workers with paid sick leave;

Whereas all the procedures provided under the Railway Labor Act for resolving the disputes will be exhausted as of 12:01 a.m. eastern daylight time on September 16, 2022, at which time essential transportation services will be subject to interruption;

Whereas Congress, under the Commerce Clause of the Constitution, has the authority and responsibility to ensure

the uninterrupted operation of essential transportation services;

Whereas Congress finds that emergency measures are essential to national security and continuity of transportation services by such railroads; ~~and~~

Whereas Congress has a duty to stand up for workers and guarantee access to paid sick leave; and

Whereas Congress has in the past enacted legislation for such purposes: Now, therefore, be it

1 *Resolved by the Senate and House of Representatives*

2 *of the United States of America in Congress assembled,*

3 SECTION 1. CONDITIONS FOR RESOLVING DISPUTES.

4 (a) IN GENERAL.—Consistent with the purposes of
5 the Railway Labor Act (45 U.S.C. 151 et seq.) to avoid
6 any labor dispute that threatens substantially to interrupt
7 interstate commerce to a degree such as to deprive any
8 section of the country of essential transportation service—

(1) the parties to the disputes subject to Presidential Emergency Board Numbered 250, established pursuant to Executive Order 14077 of July 15, 2022 (87 Fed. Reg. 43203; relating to establishing an emergency board to investigate disputes between certain railroads represented by the National Carriers' Conference Committee of the National Railway Labor Conference and their employees represented by certain labor organizations) and the provisions of section 10 of the Railway Labor Act (45 U.S.C. 160), shall take all necessary steps to maintain service;

(2) except as provided in subsection (b), with respect to any disputes described in paragraph (1) that are not resolved pursuant to mutual, written agreement that has been ratified by members of such labor organizations upon enactment of this joint resolution, the terms of any mutual, written agreement entered into by any such party with another such party shall—

(A) be binding on each such party; and

(B) have the same effect as though arrived at by agreement of such parties under the Railway Labor Act.

(b) Additional Terms and Conditions.—With respect to employees covered by

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the disputes described in subsection (a)(1), the terms and conditions in this subsection are the following:

(1) Paid medical leave.—Each such employee shall be entitled to not less than [7] medical leave absences per year, for which the employee is paid at the normal rate of compensation of the employee, for a qualified illness or medical care event.

(2) Definition.— The term “qualified illness or medical care event” means

(A) The employee is receiving treatment or is recovering from an injury or illness;

(B) The employee is attending a medical appointment;

(C) The employee is caring for an individual who is receiving treatment or is recovering from an injury or illness or is attending a medical appointment; or

(D) The employee is caring for an individual who is typically cared for by an individual who is receiving treatment or is recovering from an injury or illness or attending a medical appointment and therefore unable to care for an individual requiring care.

(3) Prohibition.—An employer may not require, as a condition of providing paid leave under this Act,

(A) that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid leave; or

(B) that the employee provide advanced notice for using paid leave

(4) Employee protections.— It shall be [considered a violation of the RLA?] for any covered employer to discharge, discipline, or in any other manner discriminate against an employee who takes leave described in this section.

(5) Rules of construction.—Nothing in this subsection shall be construed—

(A) to in any way diminish the rights or benefits that an employee is entitled to under any—

(i) other Federal, State, or local law;

(ii) collective bargaining agreement; or

(iii) existing employer policy; or

(B) to require financial or other reimbursement to an employee from an employer upon the employee's termination, resignation, retirement, or other separation from employment for paid leave under this title that has not been used by such employee.

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~~9 the most recent tentative agreements, side letters, and
10 local carrier agreements entered into by the covered par-
11 ties that have not been ratified before the date of enact-
12 ment of this joint resolution (including tentative agree-~~

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~~13—ments, side letters, and local carrier agreements that have
14—failed ratification) shall be binding on such covered parties
15—to such unresolved disputes, and shall have the same effect
16—as though arrived at by agreement of such covered parties
17—under the Railway Labor Act (45 U.S.C. 151 et seq.):~~

~~18— (b) COVERED PARTIES.— In this section, the term
19— “covered parties” means the parties to the unresolved dis-~~

~~1 putes subject to Presidential Emergency Board No. 250,
2 established pursuant to Executive Order 14077 of July
3 15, 2022 (87 Fed. Reg. 43203; relating to establishing
4 an emergency board to investigate disputes between cer-
5 tain railroads represented by the National Carriers' Con-
6 ference Committee of the National Railway Labor Con-
7 ference and their employees represented by certain labor
8 organizations) and the provisions of section 10 of the Rail-
9 way Labor Act (45 U.S.C. 160).~~

~~10~~ 1 SEC. 2. MUTUAL AGREEMENT.

~~11~~ 12 Nothing in this joint resolution shall prevent any mu-
~~12~~ 13 tual written agreement by the parties to implement the
~~13~~ 14 terms and conditions established by this joint resolution,
~~14~~ 15 or prevent a mutual written agreement to any terms and
~~15~~ 16 conditions different from those established by this joint
~~16~~ 17 resolution.