



# News from Washington

## Senate committee advances PRO Act

**O**n June 21, in an 11-to-10 party-line vote, the Senate Committee on Health, Education, Labor and Pensions advanced the Richard L. Trumka Protecting the Right to Organize Act (PRO) Act of 2023 (S. 567). The PRO Act would expand collective-bargaining rights for workers and make it easier to join unions.

This is the first Senate markup for the PRO Act, which passed in the House in the previous two Congresses.

“Workers in America have the constitutional right to assemble and form a union,” Chairman Bernie Sanders (I-VT) said in his opening statement. “Over the last many decades, corporate interests have done everything that they can to make it impossible for workers to exercise that right. We will be dealing with that issue today.”

During the markup, Ranking Member Bill Cassidy (R-LA), who led the Republican opposition to the bill, expressed frustration with what he called a partisan markup on controversial legislation. The committee is known for considering issues that are of interest to both the majority and minority, and the last time the committee considered legislation that did not have at least some support from both sides of the aisle was the Affordable Care Act in 2009.

At the June markup, Republican senators introduced three dozen amendments, all of which were rejected. The amendments included banning remote voting in union elections, prohibiting undocumented workers from joining unions, protecting right-to-work laws, and more.

The next step is for the full Senate to consider the legislation. The bill is not expected to receive

the 60 votes needed to clear the Senate filibuster.

Two other bills advanced in party-line votes at the markup: the Healthy Families Act (S. 1664), which would guarantee that all workers receive at least seven paid sick days from their employer, and the Pay-check Fairness Act (S. 728), which would address the gender wage gap by making it easier for women to collectively file and win lawsuits against employers who discriminate with wages. These bills also are not expected to reach the 60 votes needed to clear the Senate filibuster.

### Supreme Court rules on religious accommodation

On June 29, the U.S. Supreme Court issued its ruling in *Groff v. DeJoy*, in which a former rural letter carrier sued the Postal Service for failing to accommodate his request to not be assigned work on Sundays because of his religious beliefs. NALC, along with the National Rural Letter Carriers’ Association and the National Postal Mail Handlers Union, filed a joint brief in this case that emphasized the practical difficulties posed by Gerald Groff’s request in light of chronic understaffing in the post

office where he worked and the potential adverse impact of Groff’s request on his fellow employees. The unions argued that the Supreme Court should remand the case to the lower courts for consideration of these factors.

The Supreme Court’s decision clarified employers’ obligation to accommodate an employee’s request for religious accommodation under Title VII of the federal Civil Rights Act of 1964. The Postal Service is covered by this statute. Under Title VII, such accommodation is required unless the accommodation would impose an “undue hardship” on the conduct of the employer’s business. The Supreme Court defined “undue hardship” to refer to “substantial increased cost” and ruled that the test must be applied “in a manner that takes into account all relevant factors.”

The Supreme Court ultimately remanded the case to the lower courts to apply this test to the facts of the case, as suggested in the unions’ joint brief.

NALC members will be apprised of any effects of this decision on the city letter carrier craft as the judicial process continues in the lower courts. **PR**

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