



October 15, 2009

The Honorable Bob Corker  
United States Senate  
185 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senator Corker:

I am writing in response to your September 30 letter to the National Mediation Board (NMB), in which you challenge a letter I wrote to the NMB on behalf of the 32 member unions of the Transportation Trades Department, AFL-CIO (TTD). Our letter requests that the NMB amend its Representation Manual and eliminate the current un-democratic union election procedures that apply solely to airline and railroad employees and to no one else in America. Let me try to answer some of the misinformation surrounding this matter.

TTD has requested a change to the NMB's election procedures so that the majority opinion of *participating voters* wins in all union elections in the airline and rail industries. This is hardly revolutionary. The change we are proposing is different from current procedures that require a majority of *eligible workers* to cast a vote and which count all workers who don't vote as "no" votes. Just because a worker chooses not to cast a vote in a union election doesn't mean he or she is against unionization – it just means that worker did not vote. Our system of democracy has never discerned a voter's intent when that voter chose not to participate in an election.

We firmly believe that the NMB's union election procedures are un-democratic and should be changed. I wonder how you can defend, as you describe them, "the majority voting rules." Most mid-term elections in this country don't involve majority participation. Records show that nationwide voter participation was below 50 percent in every mid-term election since 1930. In fact, had these procedures been in place in 2006 in your only election for the Senate (where voter turnout was only 41 percent) you would have received only 21 percent of the vote among eligible voters – negating your victory.

Regarding the Delta Air Line matter your letter raises, let me address a few points. There is no current election or representation dispute at Delta and there will be no union election until the NMB authorizes an election for the various employee groups at the company. The Board has a

Transportation Trades Department, AFL-CIO

888 16th Street, NW • Suite 650 • Washington, DC 20006 • tel: 202.628.9262 • fax: 202.628.0391 • www.ttd.org  
Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

The Honorable Bob Corker  
October 15, 2009  
Page 2

well known investigative process for determining that a representation dispute exists and routinely, that process can take several months to complete. We question why any Member of Congress would want to interfere in that process and take the extreme step of alleging a possible violation of the Railway Labor Act.

As you are aware, the NMB has the right and responsibility to set policies and procedures. The NMB has made many changes to its Representation Manual in the past and should do so again. Under the companion labor law, the National Labor Relations Act, union elections are run under the norms found in our democracy: a majority of those voting decide the outcome. I agree with you that the NMB has the responsibility to "... determine the free choice of the employees." The NMB is hardly determining the "free choice of employees" by assigning a "no" vote to all non-participating employees. Moreover, time after time, more than 90 percent of workers will vote in support of unionization but the majority opinion does not prevail because a *majority of eligible voters* failed to participate in the vote.

Clearly, it is time for the NMB to change its union election procedures, which have been contested and controversial for decades. What are considered fair procedures in all elections for the Senate, the House of Representatives, Governor and most other political offices in America should be fair for union elections in the airline and railroad industries. That is the essence of our request to the NMB. Our proposal guarantees nothing but an unfettered right for workers to vote for union representation under democratic standards consistent with those used in every other election setting in America.

I would be happy to answer any questions you may have regarding this matter. Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Wytkind". The signature is fluid and somewhat stylized, with a large loop at the top and a horizontal line at the bottom.

Edward Wytkind  
President