



Committee on Transportation and Infrastructure
U.S. House of Representatives

Peter A. DeFazio
Chairman

Washington, DC 20515

Sam Graves, MO
Ranking Member

March 27, 2019

Katherine W. Dedrick, Staff Director

Paul J. Sass, Republican Staff Director

The Honorable Kyle Fortson
Chairman
National Mediation Board
1301 K St. NW, Ste. 250E
Washington, DC 20005

Dear Chairman Fortson:

As the Chairmen of the House Committee on Transportation and Infrastructure, the Subcommittee on Aviation, and the Subcommittee on Railroads, Pipelines and Hazardous Materials, we write in opposition to the proposed rule (Docket No. C-7198) on union representation decertification procedures for workers under the Railway Labor Act (RLA). This proposed change to the decertification process is unnecessary and needlessly limits the rights of workers to choose union representation after a decertification vote.

Collectively, we have jurisdiction over the RLA and the workers and industries directly affected by this proposed rule. The railroad and aviation industries are critical to our economy and national transportation network, and they support good, middle-class jobs. This is in no small part due to the presence of collective bargaining in these sectors and relatively stable labor-management relations that the RLA seeks to foster. We are concerned that the Board's proposal would undermine this stability and is being proposed without any clear rationale as to why this change is needed.

There is already a well-established process for aviation and rail workers to remove their union representation or change union representation should they choose to do so. In fact, since 1998 workers have filed at least 42 times to remove their union and an additional 55 times to change their union representation. With this proposal, the Board is attempting to solve a problem that does not exist.

We are particularly concerned by the proposal's arbitrary two-year bar on any union representation election following a decertification vote. Current Board procedures bar new union elections for one year after dismissal of an application. While there is a two-year bar on new elections after a union is certified, there is a clear policy reason for this distinction: the two-year window allows the newly certified union to negotiate a first contract without having to respond to representation challenges. There is no such policy reason for a two-year bar following a decertification vote. Rather, we believe the extension of this bar is a severe and unnecessary restriction on workers' rights to collectively bargain and seek union representation.

The Honorable Kyle Fortson

March 27, 2019

Page 2

The Board has historically rejected proposals to change decertification procedures and has determined that current election procedures are consistent with the RLA and sufficient to ensure that workers have the right and opportunity to choose their own representation. The proposed rule now under consideration undermines that important precedent. For these reasons we oppose the proposal.

Sincerely,



PETER A. DeFAZIO
Chair



DANIEL LIPINSKI
Chair
Subcommittee on Railroads,
Pipelines, and Hazardous Materials



RICK LARSEN
Chair
Subcommittee on Aviation

CC: Linda Puchala, NMB Board Member
Gerald W. Fauth, III, NMB Board Member