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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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March 27, 2019

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

RE: Proposed Rule on Decertification of Representatives (Docket No. C-7198)

Dear Chairman Fortson:

I am writing to express my opposition to the proposed rule on union representation decertification procedures for workers under the Railway Labor Act (RLA). Not only is this proposed change to the decertification process unnecessary, it would limit the rights of workers to choose union representation after a decertification vote.

The RLA was enacted by Congress in 1926 “to protect employees’ freedom to choose a representative” and to provide for the orderly resolution of labor disputes without interruption to service. The RLA has been an organizing principle of the U.S. railway and airline industries since the 1930’s, and has facilitated the creation of millions of good-paying, 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. I am concerned that the National Mediation Board’s (NMB) 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.

I am particularly opposed to the proposal that would require an arbitrary 2-year bar on any union representation election after a decertification vote. Current NMB procedures bar new union elections for one year after dismissal of an application. Conversely, there is a 2-year bar on new elections after a union is certified. There is a clear policy reason for this distinction. The 2-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 2-year bar following decertification. Rather, I believe that this is a severe and unnecessary restriction on workers’ rights to collectively bargain and seek union representation.

The NMB 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 employees have the rights and opportunities to choose their own representation. The proposed rule now being considered undermines that important precedent. I ask that you abandon this proposal.

Sincerely,



Patty Murray

Ranking Member

Senate Committee on Health, Education, Labor, and Pensions

Cc: Linda Puchala, NMB Board Member

Gerald W. Fauth, III, NMB Board Member