

NMB considers change to Railway Labor Act rules

(The following story by John D. Boyd appeared on The Journal of Commerce website on December 7, 2009.)

WASHINGTON, D.C. — A Dec. 7 hearing by the National Mediation Board could help clear the way for that agency to make union election rules at railroads and airlines more labor friendly.

The board is hearing from various labor groups and industry representatives as it considers whether to allow a majority of votes cast to decide elections for union representation at airlines and railroads covered by the Railway Labor Act.

If it decides to accept the change, it would overturn a longstanding practice dating back to the 1930s. Since then, the NMB has taken the position that unions trying to organize a company's workers must win support from a majority of all eligible employees. When an election of those workers takes place to decide whether to join the union, those not voting are effectively counted as "no" votes.

But two of the three members of the NMB – Obama appointee Linda Puchala and Harry Hoglander, who was renominated to the board by President Obama – propose to change all that. A Nov. 3 notice in the Federal Register that details the rule change also lists the objection of the third board member, Chairman Elizabeth Dougherty, who was appointed by President George W. Bush.

Transportation unions that want to organize railroads or air carriers have voiced their support for the proposed change, and their members have poured in large numbers of comments urging the board to adopt the proposal when it comes up for a final vote.

Businesses, though, are concerned this will raise their costs by making it easier for employees to form collective bargaining units. For instance, major railroads are already unionized but many short lines are not. One major airline recently rebuffed an effort by its flight attendants to organize under the pending NMB rule.

The hearing is being held at the Washington headquarters of the National Labor Relations Board. [Click here](#) for the list of those speaking at the event.