

**FOR IMMEDIATE RELEASE**

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## **SENATORS CALL FOR FAIR ELECTIONS FOR RAIL & AVIATION WORKERS**

**WASHINGTON, D.C.** – Senators Tom Harkin (D-IA), Chairman of the Senate Health, Education, Labor and Pensions Committee, Daniel Inouye (D-HI), Chairman of the Appropriations Committee and John Rockefeller (D-WY), Chairman of the Commerce Committee joined by a group of 36 Senators today called on the National Mediation Board to provide fair labor elections for rail and aviation workers. Under current election procedures, a majority of all eligible workers cast a vote for a union in order for those wanting a union to prevail. All workers who do not vote are counted as “no” votes for the union.

Senators Akaka, Boxer, Brown, Burris, Byrd, Cantwell, Cardin, Casey, Dodd, Durbin, Feingold, Franken, Gillibrand, Johnson, Kaufman, Kerry, Kirk, Klobuchar, Lautenberg, Leahy, Levin, McCaskill, Menendez, Merkley, Mikulski, Murray, Reed, Sanders, Schumer, Shaheen, Specter, Stabenow, Tester, Tom Udall, Whitehouse and Wyden joined the Senators in signing this letter.

“Aviation and rail workers should not be subject to a different and more onerous process when deciding whether to choose union representation,” wrote the lawmakers. “Requiring affirmative votes of an absolute majority of eligible employees in order to recognize a union treats rail and aviation workers differently than employees covered by the National Labor Relations Act and U.S. citizens voting for government officials. We strongly encourage the NMB to use its broad discretion in setting its election policies to amend its election procedures to allow a majority of those voting to choose union representation.”

"On behalf of airline and rail workers across the country, we would like to thank Sen. Harkin and 38 of his colleagues for standing up for fairness by supporting the National Mediation Board's proposed rule change. We are grateful for their support for bringing long overdue change to a broken union election process," said Edward Wytkind, President of the Transportation Trades Department, AFL-CIO.

The full text of the letter follows.

The Honorable Elizabeth Dougherty  
Chairman  
National Mediation Board  
1301 K Street, NW  
Suite 250  
Washington, DC 20005

The Honorable Harry Hoglander  
Member  
National Mediation Board  
1301 K Street, NW  
Suite 250  
Washington, DC 20005

The Honorable Linda Puchala  
Member  
National Mediation Board  
1301 K Street, NW  
Suite 250  
Washington, DC 20005

RE: Representation Election Procedure: Proposed Rule; Docket No. C-6964

Dear Chairman Dougherty and Members Hoglander and Puchala:

We write in support of the National Mediation Board's (NMB) proposed change to allow for a majority of voting employees to organize under the Railway Labor Act if they so choose.

As you know, current election procedures require a majority of all eligible workers to cast a vote for a union in order for those wanting a union to prevail. All workers who do not vote are counted as "no" votes for the union.

Requiring affirmative votes of an absolute majority of eligible employees in order to recognize a union treats rail and aviation workers differently than employees covered by the National Labor Relations Act and U.S. citizens voting for government officials. We strongly believe that the same democratic process that governs other elections – requiring a simple majority of those who cast a ballot – should be extended to workers covered by the Railway Labor Act.

Employees must have a choice to vote for union representation, against union representation, or not to vote at all. There are often reasons for an individual not to vote – they may simply forget, do not have a tradition of voting, or may be unable to vote. A decision to abstain in an election is simply not the same as a "no" vote and should not be treated as voting against union representation.

Further, by counting non-participating employees as "no" votes, the Board has created an incentive to suppress voter participation as employers may seek to influence the election by encouraging workers not to vote. The NMB should be encouraging employee participation in representational elections, not hindering involvement.

We do not believe the Railway Labor Act, which was designed to protect the rights of workers to organize and bargain collectively, requires the NMB to conduct elections in this manner. Further, we see no convincing policy reason to require an absolute majority of all eligible workers to cast a vote for a representational election.

Aviation and rail workers should not be subject to a different and more onerous process when deciding whether to choose union representation. We strongly encourage the NMB to use its broad discretion in setting its election policies to amend its election procedures to allow a majority of those voting to choose union representation.