

**Comments of Gregg M. Formella
Regarding the National Mediation Board's Proposed Modifications to
Decertification Procedures Under the Railway Labor Act**

**Docket No. C-7198
84 Fed. Reg. 612, RIN 3140-AA01**

April 1, 2019

Gregg M. Formella, an attorney who has practiced on behalf of employers under the Railway Labor Act ("RLA"), 45 U.S.C. § 151 *et seq.*, respectfully submits these comments to the National Mediation Board ("NMB" or "Board") in response to the Board's Notice of Proposed Rulemaking and Request for Comments ("NPRM") regarding the "straw man" process by which employees may decertify a representative under the RLA:

As the Board accurately states in the NPRM, the "straw man" process is "unnecessarily complex and convoluted." Moreover, the fact that the very nature of the process *requires* that employees who would exercise their undisputed right to spearhead a decertification effort do so by means of engaging in what is (albeit "only" on its surface) an *intentional misrepresentation*, is not consistent with an ethic of forthrightness, transparency, fairness and respect for the individual in government policy. Furthermore, as a practical matter, there appears to be no evidence that the "straw man" process – with its absolute reliance on the creation of what amounts to fake unions -- does anything to incentivize employers, employees and real unions to sincerely search for common ground and consider the common good.

For these and other reasons, the undersigned supports the NPRM insofar as it addresses the "straw man" process.

Respectfully submitted,

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