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November 20, 2009

Mary L. Johnson
General Counsel
National Mediation Board
1301 K Street, N.W.
Suite 250 East
Washington, DC 20005

Re: Meeting Regarding Proposed NMB Rule Changes, Docket No. C-6964

Dear Ms. Johnson:

Enclosed please find the written statement of the Regional Airline Association with respect to the above-referenced matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

DOUGLAS WARD HALL

cc: Roger Cohen, Regional Airline Association

DC:81213.1

COMMENTS OF REGIONAL AIRLINE ASSOCIATION
REGARDING NATIONAL MEDIAITON BOARD
PROPOSED RULE CHANGE
November 20, 2009

My name is Douglas Hall, and I am appearing here today on behalf of the Regional Airline Association. As the Board is well-aware, the regional airlines play a vital role in the country's airline industry. Regional airlines operate more than half of the nation's commercial schedule, and about 40 percent of the U.S. commercial passenger fleet, transporting some 160 million passengers annually to over 600 communities across the country, most of which depend on regional airlines to provide their only scheduled service. Founded in 1975, RAA provides a wide array of services for regional airlines, and is comprised of 32 member airlines and 280 associate members, representing the key decision makers of this vital sector of the commercial aviation industry.

Regional airlines appear frequently before the Board, and are more likely than most national carriers to be the subject of union organizing drives. Thus, our members have a keen interest in the manner in which the Board conducts its elections.

In light of the number of interested parties here today, we will keep our presentation brief. We fully intend to file comments with the Board setting forth in more detail our position on the proposed rule change.

RAA strongly opposes the contemplated change to the Board's voting rule for the following reasons:

--The contemplated rule further erodes the majority support requirement that is the lynchpin of the RLA. Already under Board rules, a representative who has less than majority support may be certified so long as a majority of the employees vote in the election. Under the contemplated change, a majority of the employees need not even vote for a union to be certified.

--As the Board has previously noted, "a union without majority support cannot be as effective in negotiations as a union selected by a process which assures that a majority of employees desire representation." A union which cannot even get the majority of the employees to vote in the election is unlikely to be able to get majority support to ratify a contract.

--Such deterioration in the negotiations process will only lead to instability in management-labor relations and disruptions to commerce, the very things the RLA seeks to avoid.

--It is simply inaccurate to say that the current rule has been a hindrance to organization. Employees covered by the RLA are more likely to be represented by a union than those covered by the NLRA.

--It is also inaccurate to say that the NMB's traditional rule is undemocratic. By not voting in an election, employees are saying that they do not wish to be represented. Forcing them to vote in order to remain unrepresented is what is undemocratic. Employees should not have to do anything in order to communicate that they wish to maintain the status quo (whether the status quo is being union free or being represented). It is those who wish to change the status quo (whether by organizing an unrepresented group or raiding another union) that have the burden to prove that they have majority support.

--It is a false analogy to compare union representation elections where employees are unrepresented to political elections. In a union election, the employees are deciding whether or not to be represented. Only after the majority have decided that they want union representation by voting in the election, is the union who garnered a majority of the votes certified. In a political election, by contrast, the question is not whether the electorate will be represented. That decision has already been made. The only question is the identity of the representative. A political election is akin to a union run-off election where a majority of the employees have decided they want union representation, but the vote is equally split between two unions. At that point, the NMB's voting rule is no different from the rule used in the political process – the representative who garners a majority of the vote is certified.

--In rejecting prior requests to change its voting rules and adopt yes/no ballots, the Board has noted that those seeking a change to its long-standing rules "bear a heavy burden" and has "cited a long-standing policy of amending its rules only when required by statute or essential to the administration of the RLA." Indeed, when the Carter administration Board composed of George Ives, Bob Harris and David Stowe considered a request to change the voting rule in 1978, they stated that such a change would have to come from Congress.

The NMB's current rule, requiring that a majority of a craft or class vote for representation of some sort before a union will be certified has worked – and worked well – for 75 years. It has worked well for unions, as railroads and airlines are among the most heavily organized private sector industries in the country. It has worked well for airline and railroad employees, as they have been able to obtain representation when a majority of their fellow employees want that, and to avoid having representation forced upon them when not supported by a majority. And it has worked well for the nation, as it has brought stability to airline and railroad labor-management relationships and minimized disruptions to interstate commerce, just as Congress intended in enacting the RLA. No compelling reason exists now to change this long and successful history.