



*A bold voice for transportation workers*

**Hearing before the National Mediation Board**

**Decertification of Representatives (Docket No. C-7198)**

**Statement of Larry I. Willis, President**

**Transportation Trades Department, AFL-CIO**

**March 28, 2019**

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I thank you for the opportunity to testify today before the National Mediation Board (NMB or Board) on the Decertification of Representatives proposed rule. By way of background, TTD represents 32 affiliated unions in all modes of transportation. This includes a number of unions whose members work in the aviation and rail sectors, are covered by the Railway Labor Act (RLA), and thus are directly affected by this rulemaking.<sup>1</sup> I should note that Carmen Parcelli, outside counsel representing TTD in this matter, also will appear today. Carmen will focus on the legal arguments and procedural deficiencies of this proposal while I will touch on some of the broader policy concerns and emphasize key arguments. In addition, TTD will be filing more extensive comments by the April 1 deadline.

At the outset, I want to express our strong opposition to this proposed rule and urge the Board to reconsider moving forward with this measure. The proposed rule is unnecessary, limits the rights of working people to seek union representation, and undermines stability in labor-management relations. That is why, after carefully reviewing the Board's proposal, TTD's Executive Committee, which met earlier this month, unanimously adopted a Policy Statement opposing this rule. In addition to our united position, I know several independent rail and aviation unions will express their opposition both at this public hearing and in comments filed to the docket.

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<sup>1</sup> A complete list of TTD unions is attached. Specifically TTD unions that represent workers under the RLA are: Air Line Pilots Association (ALPA); Association of Flight Attendants-CWA (AFA-CWA); American Train Dispatchers Association (ATDA); Brotherhood of Railroad Signalmen (BRS); Communications Workers of America (CWA); International Association of Machinists and Aerospace Workers (IAM); International Brotherhood of Boilermakers (IBB); International Brotherhood of Electrical Workers (IBEW); National Conference of Firemen and Oilers District of Local 32BJ, SEIU (NCF&O); Office and Professional Employees International Union (OPEIU); Sheet Metal, Air, Rail and Transportation Workers (SMART); SMART-Transportation Division; Transportation Communications Union/IAM (TCU); Transport Workers Union of America (TWU); and UNITE HERE.



We are at a critical moment in our nation's history. People who work for a living, from office professionals and teachers to skilled-trades workers, hotel staff, and those on the frontlines of our transportation system, are turning to collective action at a level not seen in years—and for good reason. Stagnating wages, the skyrocketing cost of health care, advances in technology, the student debt crisis, and a lack of jobs that pay livable wages have all contributed to an economy that is tilted against working families. Given this reality, it makes no sense to adopt policies that would limit the rights of working people to have a say in what goes on in their workplaces, including the ability to form and join unions. Yet, with this proposal, that is precisely what two members of this Board are attempting to accomplish.

The rail and aviation sectors generally produce good jobs that grow our economy and strengthen our middle class. This is in no small part due to high union density and strong collective bargaining agreements in these sectors that secure fair pay, retirement security, safety protections, health care, and other critical benefits for frontline workers. In fact, we know that those with a union contract earn, on average, \$204 more per week, have safer work environments, and are more likely to have employer-paid health care than their non-union counterparts. A rule designed to make it easier to remove union representation from people who already enjoy the benefits and protections of a collective bargaining agreement is particularly ill-timed and tone-deaf to the needs of these sectors.

More to the point, this proposed rule is simply not necessary. There are already procedures in place that allow workers to remove unions completely or to change their union representation. Despite claims to the contrary, these procedures are not overly complex, nor are they part of some nefarious plot by the labor movement to force working people to stay with an incumbent union. In fact, the strawman procedure decried in this proposal is based on the limits of the RLA and is regularly used by workers in both the aviation and rail sectors for its intended purposes.

To the degree that unions are not removed from rail and aviation properties at a rate sufficient to satisfy right-to-work organizations, let me offer an alternative perspective. Working people want a strong union voice. In fact, the majority of working people not only understand the benefits of collective bargaining, but see a strong union contract as the most effective tool they have to make life better for themselves and their families. We know this because independent polling tells us so. Regardless of gender, age, geographic location, or education levels, 62 percent of Americans say they support unions, and interest among Americans in joining a union is at a four-decade high. These concepts may be difficult for some to fathom, but I would suggest a desire for fair treatment, fair pay, safety at work, and the freedom to care for one's family is what drives the union support we see from frontline rail and aviation employees.

In addition to not being necessary, the NMB proposed rule seeks to impose arbitrary limits on the ability of working people to choose union representation after a decertification vote. The proposed rule would mandate a two-year bar for union elections after a decertification vote. The Board attempts to justify this ban by noting that once a union is certified, there is a two-year moratorium on union elections. This comparison, and the asserted need for similar treatment, however, has no

merit and ignores the legitimate policy goals of a two-year bar for a new union, reasons that do not exist after a decertification vote. We must ask ourselves: is limiting the ability of workers to secure strong union representation for two full years really about fairness, or is it about denying working people the freedom to join together to secure the wages, benefits, and work rules they deserve?

We also find it troubling that this rule has the potential to undermine stability in labor-management relations in the aviation and rail sectors. The increased threat of union decertifications can make contract negotiations, especially during economic downturns, more difficult and more contentious. Barring working people from even voting for a union for two years could postpone resolution of labor-management disagreements and allow issues to fester that could be addressed through the collective bargaining process. And, we would respectfully suggest the Board's time, energy, and resources would be better spent on critical contract mediation services that both labor and management depend on.

Finally, those here today would be remiss if they ignored all the ways unions benefit employers and the industries in which they operate. While some in industry push back on unions at every opportunity, unions and their employers regularly come together on federal policy issues, including many of the issues we focus on at TTD. For example, we agree with the freight rail industry — and have recently testified together before the Senate — on the need for Congress to make massive investments in our neglected infrastructure and support measures specific to the freight rail. It is not uncommon to see rail labor and management take the same position on proposals that would alter the economic regulations that have allowed this sector to grow. Similarly, during the longest federal government shutdown in our history, as airlines and other aviation companies saw their commercial interests threatened, it was working people, backed by their unions, who gave a strong voice and clear focus to what was happening to our national aviation system. At a time when some dared not discuss potential safety hazards brought on by tens of thousands of government employees furloughed or working without pay, workers and their unions rose to the occasion. One has to wonder how much longer that needless, harmful shutdown would have continued had it not been for the rallies, the local news stories, and yes, the agitation brought to you by the labor movement.

We don't agree with industry on every issue of course and collective bargaining itself can be an adversarial process where labor and management can disagree on wages, benefits, and how to generally divvy up the economic pie. But it would be a mistake to ignore all the ways strong unions and stable labor-management relations not only help frontline workers but also employers in the aviation and rail sectors. Yet, here we sit, debating a proposal designed to remove unions from the equation.

Given all the factors I have outlined here today, it sure feels like the NMB's proposal is simply designed to weaken the rights of rail and aviation workers. We urge the Board to reject this proposal and instead focus on policies and approaches that will support the rights of working families and improve labor-management relations.



**Transportation Trades Department, AFL-CIO**  
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*TTD MEMBER UNIONS*

- Air Line Pilots Association (ALPA)
- Amalgamated Transit Union (ATU)
- American Federation of Government Employees (AFGE)
- American Federation of State, County and Municipal Employees (AFSCME)
- American Federation of Teachers (AFT)
- Association of Flight Attendants-CWA (AFA-CWA)
- American Train Dispatchers Association (ATDA)
- Brotherhood of Railroad Signalmen (BRS)
- Communications Workers of America (CWA)
- International Association of Fire Fighters (IAFF)
- International Association of Machinists and Aerospace Workers (IAM)
- International Brotherhood of Boilermakers, Iron Ship Builders,  
Blacksmiths, Forgers and Helpers (IBB)
- International Brotherhood of Electrical Workers (IBEW)
- International Longshoremen's Association (ILA)
- International Organization of Masters, Mates & Pilots, ILA (MM&P)
- International Union of Operating Engineers (IUOE)
- Laborers' International Union of North America (LIUNA)
- Marine Engineers' Beneficial Association (MEBA)
- National Air Traffic Controllers Association (NATCA)
- National Association of Letter Carriers (NALC)
- National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
- National Federation of Public and Private Employees (NFOPAPE)
- Office and Professional Employees International Union (OPEIU)
- Professional Aviation Safety Specialists (PASS)
- Sailors' Union of the Pacific (SUP)
- Sheet Metal, Air, Rail and Transportation Workers (SMART)
- SMART-Transportation Division
- Transportation Communications Union/ IAM (TCU)
- Transport Workers Union of America (TWU)
- UNITE HERE!**
- United Mine Workers of America (UMWA)
- United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service  
Workers International Union (USW)

*These 32 labor organizations are members of and represented by the TTD*

