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NMB Proposes Fair Air/Rail Elections

The National Mediation Board (NMB) this week took the first step toward overhauling the union representation election rules for air and rail workers in the United States. The NMB is proposing to change the threshold for a successful union election from a majority of eligible voters in a classification to a majority of voters who actually participate in the election.

The NMB published its proposed rule change this week in the Federal Register and is seeking comments from interested parties for 60 days.

“As part of its ongoing efforts to further the statutory goals of the Railway Labor Act, the National Mediation Board (NMB or Board) is proposing to amend its Railway Labor Act rules to provide that, in representation disputes, a majority of valid ballots cast will determine the craft or class representative,” said the Board. “The NMB believes that this change to its election procedures will provide a more reliable measure/indicator of employee sentiment in representation disputes and provide employees with clear choices in representation matters.”

The Machinists union will submit formal comments in favor of the proposed rule change.

The NMB’s proposal has support in Congress as well. “Elections across our country are based on recognizing the choice of the majority of voters who participate in the election. Non-votes are not counted as favoring one outcome or the other. This should be the practice of the NMB as well,” wrote House Committee on Transportation and Infrastructure Chairman James Oberstar and House Committee on Education and Labor Chairman George Miller in an October 29, 2009 letter to the National Mediation Board.

The NMB’s authority to make such a rule change is contained within the Railway Labor Act and has been affirmed by the Supreme Court.