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## THE RAILWAY LABOR ACT

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Negotiations for our next Contract are in the preparatory stages, therefore it is vitally important that everyone have a strong understanding of the process which is going to be taking place. We need every Flight Attendant to stand with our Negotiating Committee and get involved in the process. Understanding the Railway Labor Act, 45 U.S.C. § 151, et seq. (RLA) is the essential first step to understanding the law governing our negotiations.

For those unfamiliar with the RLA, it may seem confusing that a law with “Railway” in its title would be relevant to Flight Attendants. The RLA was originally passed in 1924. At that time, railroads were the single most important piece of national infrastructure. Work stoppages were so effective in halting the flow of goods throughout the country, they put government and industries at a huge disadvantage in labor disputes. In an effort to dilute worker power, Congress passed the RLA to dictate the terms by which railway unions could collectively bargain for their workers’ rights, and which would minimize the damage a strike could cause to interstate commerce. In the following decade, aviation rapidly expanded to become an equally important piece of American infrastructure, and in 1936, the RLA was amended to include workers in the airline industry. The RLA was written to deal with the unique nature of the transportation industry. As such, it is different from the National Labor Relations Act (NLRA), which governs all other private industries in the United States.

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### **National Mediation Board**

Negotiations and organizing provisions of the RLA are administered by the National Mediation Board (NMB). The NMB, whose three members are appointed by the President of the United States, is the federal agency that oversees negotiations in our industry and appoints mediators to assist the parties with productive dialog on their negotiations issues.

### **Direct Negotiations**

Under Section 6 of the RLA, the negotiations process begins with an Exchange of Openers. This is when the Union and company exchange their Opening Proposals to set a baseline for the negotiations to follow. After this, the two parties formally enter into Direct Negotiations, where they bargain with one another and try to come to an agreement. If they do, this is called a Tentative Agreement (TA). If ratified, there is a new Contract.

If a Tentative Agreement isn't reached during Direct Negotiations, either the Union or the Company can request a mediator from the NMB to assist in the negotiation process. This next stage is called Mediation.

### **Mediation**

The NMB uses the mediation process to foster agreements and to avoid a resort to self-help whenever possible. The mediator establishes when and where the parties will meet, and may recess a case from time to time if it is deemed appropriate. There is no time limit for the mediation process, although our Solidarity can encourage progress. Mediation continues until an agreement is reached or until the NMB determines that further mediation would be fruitless due to an impasse.

### **Binding Arbitration**

If the Company and the Union fail to reach an agreement during Mediation, the NMB then may offer for the parties to submit any remaining contractual disputes to Binding Arbitration. If BOTH parties agree to arbitration, the NMB holds an arbitration hearing and makes decisions for each dispute, which are then imposed upon both the Union and the company, without a ratification vote.

#### **Let's Take a Closer Look**

Check our [contract2021 website](https://contract2021.org) for additional resources and educational materials regarding the Railway Labor Act.

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### Cooling-off Period

If either party rejects arbitration, the NMB can release the parties to a 30-day Cooling-off Period. During this time, mediated talks continue under a process called "Super Mediation" in order to reach an agreement. If an agreement is reached before the end of the cooling-off period, it's sent to the Membership for ratification. If an agreement is not reached, the parties are released to engage in Self-Help. For the Union, self-help means engaging in activities that may inflict economic harm on the company, up to and including a strike (CHAOS™). This is a crucial point; the Union may only strike once the negotiations process has reached this point. For the company, self-help includes the right to unilaterally impose their changes to our Contract, or to lock us out. It's rare for negotiations to ever reach this stage, because both parties need to be so fundamentally at odds with one another that they are unable to reach an agreement through each step of the negotiation process.

### Presidential Emergency Board

At this point, if the dispute(s) "threaten(s) substantially to interrupt interstate commerce" to such a degree as to threaten "to deprive any section of the country of essential transportation service", the NMB will notify the President of the United States, who may establish a Presidential Emergency Board (PEB).

The PEB will investigate and report on a dispute over the terms of a Collective Bargaining Agreement governed by the Railway Labor Act. Creation of a PEB delays a strike, lockout or other form of self-help, generally for 60 days. The PEB has 30 days to issue its report which typically provides recommendations for settlement of the dispute. After the PEB reports to the President, the parties to the dispute have another 30-day cooling off period to consider the recommendations of the PEB and to reach an agreement. Congress may also intervene and mandate an Agreement legislatively, ordering the parties to adopt the findings of the PEB.

If no agreement is reached at the end of the cooling off period, and absent Congressional action, the parties may engage in self-help; including, strikes (CHAOS™), lockouts, and company imposed unilateral changes in terms and conditions of employment.

#### *NOTE:*

**We will be sending Negotiations News on Saturday beginning with our next edition, this will allow us to better capture the events of the full week as our negotiations gain momentum.**

# NEGOTIATIONS PROCEDURES UNDER THE RAILWAY LABOR ACT

## Exchange of Openers

The Union and company exchange their opening proposals.

## Direct Negotiations

Negotiations begin across the bargaining table between the Union and the company.

If direct negotiations are unsuccessful and talks deadlock.

## Mediation

The Union and/or the company requests the National Mediation Board (NMB) to begin mediation within 10 days after breakdown of collective bargaining talks.

NMB assigns a mediator and mediation begins. Decisions on time limits now lie with the NMB.

## Proffer of Arbitration

Mediation is unsuccessful and talks deadlock. The NMB offers to submit remaining issues to binding arbitration.

Union and/or company rejects offer of binding arbitration.

## Cooling-Off Period

The 30-day cooling-off period begins. Mediation talks (Super Mediation) may continue in an effort to reach an agreement prior to the expiration of the 30 days.

## Work Stoppage

Parties fail to reach agreement during cooling-off period. Company may implement imposed work rules. Union may go on STRIKE or conduct other job actions.



## Membership Ratification

If a tentative agreement is reached. Ballots are sent to each Member for MEMBERSHIP RATIFICATION. If approved by the Membership, the agreement goes into effect.

## Membership Ratification

Mediation is Successful. Tentative Agreement is sent to MEMBERSHIP RATIFICATION vote.

## Binding Arbitration

Union and company accept NMB offer of binding arbitration. Arbitration hearings held and binding award made. (New contract imposed upon both the Union and the company).

## Membership Ratification

Super Mediation is successful. Tentative Agreement is sent to MEMBERSHIP for RATIFICATION vote.

## Presidential Emergency Board

If a dispute substantially threatens essential transportation, NMB notifies the President who may establish a Presidential Emergency Board (PEB). The PEB has 30 days to report to the President. The parties may accept the recommendations, negotiate their own agreement or, 30 days later exercise self-help.