

Top Ten Reasons To Change The NMB Election Rules

Reason #1 - A cornerstone of democracy is that those who participate in an election decide that election. Every election for political office in the U.S. and every union representation election outside the airline and railroad industries is run this way.

Reason #2 - The current rule does not allow an employee to abstain. The NMB majority has stated, "Nonvoting can be a conscious choice and assigning those who choose not to vote a role in determining the outcome of an election is a type of compulsory voting not practiced in our democratic system."

Reason #3 – Under the current rule those who don't care can determine the outcome for those who do. In political elections those who do not vote acquiesce to the will of those who choose to participate. Some employees, such as some Ready Reserves, believe they will only be employed for a short time and are simply passing through. Furloughed employees, some of whom have moved on with their lives, often do not care about the outcome of a union election. These employees are recorded as "no" votes if they don't vote.

Reason #4 - Changing the rules would level the playing field for union minded workers. The current rule favors anti union employers, who can rely on human inertia and fear to defeat a union. A rule change would have a positive impact for hundreds of thousands of transportation workers who are not currently unionized but would like to be.

Reason #5 - This rule has been in place for more than 70 years. It's time to reexamine it. The rule was "made, however, not on the basis of legal opinion and precedents,

but on what seemed to the Board to be best from an administrative point of view." [1NMB. REP. 19 (1942)] Things have changed a little in 7 decades. Time to bring the rules into the 21st century. The NMB has addressed modernization in some ways already by allowing online and telephone voting.

Reason #6 - The NMB has the legal authority to change the rules. Under the Railway Labor Act, Congress gave the NMB power over how to conduct union representation votes. Attorney General, Tom Clark noted in his 1947 opinion, "Under Section 2, Fourth of the Railway Labor Act, the NMB has the power to certify as collective bargaining representative any organization which receives a majority of votes cast at an election despite the fact that less than a majority of those eligible to vote participated in an election."

Reason #7 – Making it easier for unions to represent airline workers is good for the economy. For years union contracts in our industry delivered good pay and benefits. These jobs have been the economic engine for entire communities. Good union jobs mean strong communities.

Reason #8 – There is currently a perverse motivation for employers to encourage employees not to use their democratic right to vote. This is a right that many have died for. Do we really want to encourage workers to rip up their ballots, as Delta did in 2008 with their "Give a rip" campaign?

Reason #9 – A rule change would help to determine the clear un-coerced choice of affected employees in a union representation election.

Reason #10 – "It's the right thing to do."