

# ...FAA funding bill includes changes to Railway Labor Act

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with labor that the vote should be on a "clean" FAA bill.

Republicans refused, and let a temporary FAA funding measure expire, which shut down the agency last sum-

mer. Eventually, Republicans backed down and authorized another round of temporary funding, but not before furloughing 4,000 FAA employees, idling some 90,000 construction workers on airport projects, and costing the government some \$400 million in uncollected airline ticket taxes.

As the latest round of temporary funding was about to expire in late January, Congressional leaders from the House and Senate announced a "compromise" to move the bill forward. FAA would be funded for four years in exchange for the anti-union amendments to the Railway Labor Act. House Republicans agreed to drop the revision to the majority-rule election process. (However, that provision can be changed any time by NMB members.)

The leaders of the 18 unions who opposed the amendments said the "compromise" was worse than what was in place before; that it actually increases the weight of those with no opinion on unionization to the extent that they can prevent a vote from happening at all.

"That's a step back, not a compromise," noted Tom Buffenbarger, president of the International Association of Machinists.

"This should have been a jobs bill, not the opportunity for an ideological assault by the 1 percent," said the Communications Workers of America. "Workers shouldn't have to choose between jobs and their rights on the job."

Despite their strong objections, the Senate on Feb. 6 passed the reauthorization bill with the amendments at-

tached, 75-20. All but 17 Democrats and three Republicans supported the legislation. Democrat Jeff Merkley was the lone senator from Oregon and Washington to vote against it.

Sen. Tom Harkin (D-Iowa), called the changes to the Railway Labor Act "less detrimental" than the original language, but he still voted against the bill.

"My vote is to stand up against the notion that a federal agency (the National Mediation Board) and the American workers it is charged to protect should be punished for doing what is right, what is fair, what is within their jurisdiction, and to stand up against a process that allows the few and the powerful to hijack this body, to change the rule of the game in their favor," he said.

"The only entity that (the old union vote system) apparently doesn't work for is the management of a few powerful airlines," Harkin said. "These powerful companies don't want workers to have representation. They don't want to engage in collective bargaining with their workers. They're deeply concerned, I guess, that at some point in the future they just might have to put a few additional dollars into middle class workers' pockets."

A 248-169 House vote on Feb. 3 was mostly along party lines. Some of the Democrats voting against it included Earl Blumenauer and Peter DeFazio of Oregon, and Norm Dicks and Jay Inslee of Washington.

President Obama is expected to sign the bill, but had not at press time.

(Editor's Note: Press Associates Inc. and Washington State Labor Council's *The Stand*, contributed to this report.)

## RAILWAY LABOR ACT AMMENDMENT IN HR 658

### RULES AND REGULATIONS:

The Mediation Board shall have the authority from time to time to make, amend, and rescind, in the manner prescribed by section 553 of title 5, United States Code, and after opportunity for a public hearing, such rules and regulations as may be necessary to carry out the provisions of this Act.

The requirements shall not apply to any rule or proposed rule to which the third sentence of section 553(b) of title 5, United States Code, applies.

### RUNOFF ELECTION RULES:

The Railway Labor Act is amended by inserting after the fourth sentence the following: "In any such election for which

there are 3 or more options (including the option of not being represented by any labor organization) on the ballot and no such option receives a majority of the valid votes cast, the Mediation Board shall arrange for a second election between the options receiving the largest and the second largest number of votes." [Prior to that, the runoff election would include the top two union choices, even if the "no union" option received more votes than one of the union choices.]

### SHOWING OF INTEREST FOR REPRESENTATION ELECTIONS:

The Mediation Board, upon receipt of an application requesting that an organization or individual be certified as the representative of any craft or class of employees, shall not direct an election or use any other method to determine who shall be the representative of such craft or class unless the Mediation Board determines that the application is supported by a showing of interest from not less than 50 percent of the employees in the craft or class." [Previously, the threshold was 35 percent.]

### EVALUATION AND AUDIT OF NMB:

In order to promote economy, efficiency, and effectiveness in the administration of the programs, operations, and activities of the Mediation Board, the Comptroller General of the United States shall evaluate and audit the programs and expenditures of the Mediation Board. Such an evaluation and audit shall be conducted not less frequently than every 2 years, but may be conducted as determined necessary by the Comptroller General or the appropriate congressional committees.

In carrying out the evaluation and audit required, the Comptroller General shall evaluate and audit the programs, operations, and activities of the Mediation Board, including, at a minimum, information management and security, including privacy protection of personally identifiable information; resource management; workforce development; procurement and contracting planning, practices, and policies; the extent to which the Mediation Board follows leading practices in selected management areas; and the processes the Mediation Board follows to address challenges in initial investigations of applications requesting that an organization or individual be certified as the representative of any craft or class of employees; determining and certifying representatives of employees; and ensuring that the process occurs without interference, influence, or coercion.

Not later than 180 days after the date of enactment of this section, the Comptroller General shall review the processes applied by the Mediation Board to certify or decertify representation of employees by a labor organization and make recommendations to the Board and appropriate congressional committees regarding actions that may be taken by the Board or Congress to ensure that the processes are fair and reasonable for all parties. Such review shall be conducted separately from any evaluation and audit under subsection and shall include, at a minimum: an evaluation of the existing processes and changes to such processes that have occurred since the establishment of the Mediation Board and whether those changes are consistent with congressional intent; and a description of the extent to which such processes are consistent with similar processes applied to other Federal or State agencies with jurisdiction over labor relations, and an evaluation of any justifications for any discrepancies between the processes of the Mediation Board and such similar Federal or State processes.

## Local Motion

### January 2012

A list of Oregon and Southwest Washington workplaces deciding whether to be union-represented – as reported by the National Labor Relations Board and the Oregon Employment Relations Board.

### Voting in union elections

Date	Workplace (Location)	Union	Yes	No	
1/10	Akzo Nobel Coatings (Salem)	Teamsters Local 324	13	14	☞
1/13	MetroWest Ambulance (Hillsboro)	Teamsters Local 223	76	124	☞

### Unionizing by majority sign-up

Date	Workplace (Location)	Union	Number of workers in unit
1/18	City of Myrtle Creek maintenance (Myrtle Creek)	IBEW Local 659	12

### Requesting a union election

Workplace (Location)	Union	Number of workers in unit
Oregon Child Development Coalition (Wilsonville)	Laborers Local 320	90

#### LEGEND

☞ : workers will be union-represented    ☞ : workers will be on their own

DECERT : A decertification election occurs when some union-represented workers declare that the union no longer has majority support. A 'yes' vote is a vote for the union.

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