



March 27, 2019

Mary Johnson
General Counsel
National Mediation Board
1301 K Street NW, Suite 250E
Washington, DC 20005

RE: Docket No. C-7198

Dear Ms. Johnson:

I am writing in support of the National Mediation Board's (NMB) proposed rule on the decertification of representatives under the Railway Labor Act (RLA). The Center for Worker Freedom strongly supports this proposed rule because airline and railway workers should have the freedom to remove their union representative with a straightforward process.

The Center for Worker Freedom (CWF) is a nonprofit organization that is dedicated to warning the public about the causes and consequences of unionization. As part of this mission, CWF advocates for workers and their rights. CWF is a project of Americans for Tax Reform.

The current process for decertification under the RLA is too complicated. Workers who don't want union representation must first choose a worker ("straw man") to represent them. The straw man then has to collect cards from more than 50% of the workers in the class or craft in order to apply to the NMB to hold an election. During this election, workers have a choice among the union as their representative, the straw man as their representative, a write-in candidate, or no representation. To decertify the union, a majority of the voters must choose no representation or the straw man. If the straw man wins, he can disclaim interest in representing the workers.

The straw man process, unfortunately, makes it difficult for workers to know who to vote for during the election if they want to decertify the union. Because of this, workers who want to decertify could easily lose the election by splitting their vote between the straw man and no union. Further, having a straw man makes it easier for unions to attack those who want to decertify.

This process is very different from the process in the National Labor Relations Act (NLRA). In the NLRA, the union can be decertified if 30% of those in the bargaining unit sign cards saying that they don't want the union as their representative. These workers then have to win an election between the union and decertification with more than 50% of the vote. Further, unions under the NLRA can be more easily decertified because the bargaining unit tends to work only at one location for one employer. RLA bargaining units tend to be a nationwide class or craft.

Because workers under the RLA should have the option to decertify using a straightforward process, the Center for Worker Freedom strongly supports the NMB's proposed rule to simplify the decertification process.

Sincerely,

Olivia Grady
Senior Fellow