



Transit unions intensify organizing in wake of crucial rule change

By Kevin Bogardus - 09/08/10 06:00 AM ET

Transportation sector unions are ramping up their efforts to organize workers in the wake of a key rule change by the Obama administration.

This year, the National Mediation Board (NMB) proposed allowing a simple majority vote in union elections at companies covered by the Railway Labor Act. Previously, workers at airline and railway companies who did not cast a vote were counted as “no” votes against forming a union, making it difficult for labor organizers to succeed.

The new election rule was finalized in May and took effect on July 1 after a court challenge was defeated.

Business associations lobbied hard against the rule change, arguing the policy shifted too much power to unions. The airline industry’s trade group, the Air Transport Association (ATA), sued the NMB to stop the policy but lost in court. Other business groups, including the U.S. Chamber of Commerce, also protested.

Now, barely two months after the rule went into effect, there are strong indications the rule has galvanized the labor movement, just as businesses had feared. Several major unions have filed petitions to hold elections at air and rail companies, and many top organizers are expressing confidence the elections will result in the needed majorities for unionization.

“On the airline side and the railway side, there does appear to be an uptick after the rule change went into effect,” said Jerry Glass, president of the F&H Solutions Group, a labor and human-resources consulting group.

AFL-CIO President Richard Trumka, one of the top leaders of the labor movement, has predicted the rule change will have a significant impact.

“[The rule] makes the system fairer,” Trumka said. “We are going to see an effect, and hopefully, we will see more collective bargaining agreements.”

On July 9, for example, the Communications Workers of America (CWA) filed petitions with the NMB to hold union elections for almost 3,000 workers at Piedmont Airlines.



Candice Johnson, a CWA spokeswoman, said the NMB has yet to set a date for the Piedmont election.

Others in the labor movement have also noted the impact of the rule change.

Frank McCann, the organizing director for the Transport Workers Union (TWU), has been talking to workers at Allegiant Air, JetBlue Airways and Virgin America about holding union elections since the rule took effect.

“Now that it is a fairer playing field, we have looked to be more aggressive in organizing,” McCann said.

TWU will probably file election petitions with the board for at least one of those airlines before the end of this year.

In other developments, the International Association of Machinists and Aerospace Workers filed petitions with the board on July 1 to hold union elections for more than 30,000 employees at Delta Air Lines.

Joseph Tiberi, spokesman for the Machinists, said the petition filing was not timed to the rule change and noted the union has been trying to organize at Delta for some time.

“I think a process that where every ballot counts is fairer for everyone,” Tiberi said. “Regardless of what rules are in effect, we believe we have enough support to win.”

Glass of F&H Solutions, who is representing airlines in union negotiations, said the new rule would result in a “diversion of resources” for the industry.

“This isn’t new to the industry, but it is just another thing that management has to spend time working on,” Glass said. “A lot of resources are spent on negotiations because they can take so long and, depending on the size of the union, it can have an effect on the bottom line.”

The Air Transport Association is appealing the election policy despite the earlier loss in court. ATA spokesman David Castelveter said the association does not believe the board had the authority to change the rule.

Senate Republicans are united in opposing the rule change. All 41 GOP senators have signed onto a resolution of disapproval, sponsored by Sen. Johnny Isakson (R-Ga.), which would overturn the rule under the Congressional Review Act.

Lawmakers can use the obscure Review Act to reverse regulations at executive branch agencies. Both chambers of Congress and the president would have to sign off on the disapproval resolution, which cannot be filibustered in the Senate.



Isakson has 30 signatures on a discharge petition for the measure, which would allow it to avoid a committee mark-up and go straight to a floor vote, according to an aide. He is working with Republican leaders to bring the measure up for a vote the week of Sept. 20, the aide said.