U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

David Heymsfeld, Chief of Staff
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October 21, 2009

The Honorable Elizabeth Dougherty
Chairman
National Mediation Board
Suite 250 East
1301 K Street, N.W.
Washington, D.C. 20005-7011

The Honorable Harry Hoglander
Member
National Mediation Board
Suite 250 East
1301 K Street, N.W.
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The Honorable Linda Puchala
Member
National Mediation Board
Suite 250 East
1301 K Street, N.W.
Washington, D.C. 20005-7011

Dear Chairman Dougherty and Members of the National Mediation Board:

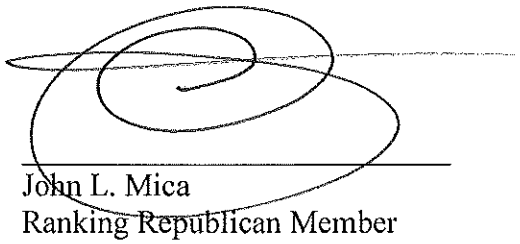
We are writing to express our strong opposition to the September 2, 2009 proposal made by the Transportation and Trades Department of the AFL-CIO (TTD) that the National Mediation Board (Board) unilaterally amend its Representation Manual to change its election procedures.

The change the TTD seeks would result in the Board altering election procedures under the Railway Labor Act. The current election procedures, which have been in place for 75 years, require that a majority of all airline workers vote in favor of union representation to gain union certification. The TDD is seeking to change the rules so that union certification would require only a majority of the employees who actually vote in the election. Under current rules, if an airline has 4,000 nonunion employees, 2,001 must vote yes to unionize. Under the union proposal if only 1,000 of 4,000 vote, and 501 vote yes, all 4,000 become subject to unionization. This is clearly a drastic and fundamental change to long-standing rules under the Railway Labor Act, rules tied to important national policies recognizing the importance of air transportation to commerce and the need for union representation that has majority support.

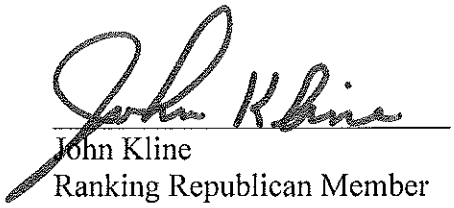
It is our understanding that the Board has rejected proposals to change the voting processes on at least four prior occasions. In a 1978 published decision, the Board indicated that any change to the form of the ballot should be made by Congress. (43 Fed. Reg. 25529 (1978)). Just 18 months ago, the Board rejected a similar request to change election procedures.

Therefore, we strongly urge the Board to reject the TDD's proposal for the Board to unilaterally amend its Representation Manual to change its election procedures. A proposal of this nature with such drastic and expansive implications should not be undertaken without specific direction from Congress.

Sincerely,



John L. Mica
Ranking Republican Member
Committee on Transportation & Infrastructure



John Kline
Ranking Republican Member
Committee on Education & Labor