

# AFL-CIO

## LEGISLATIVE ALERT

May 9, 2024

Dear Representative:

On behalf of the 12.5 million workers and 60 affiliate unions represented by the AFL-CIO, I urge you to join your colleagues in signing on to a congressional letter to the National Mediation Board (NMB) concerning a number of labor negotiations stalled in NMB mediation. The letter is led by Representatives Melanie Stansbury (D-NM), Donald Norcross (D-NJ), Mark Pocan (D-WI), Debbie Dingell (D-MI), and Brian Fitzpatrick (R-PA).

Under the Railway Labor Act (RLA), which governs labor relations in our railway and airline industries, workers face significant challenges in negotiating fair contracts. Negotiations often become prolonged, and workers cannot strike until they are released to do so by the NMB. Some employers have little incentive to move talks forward if the workers' greatest form of leverage – the right to withhold their labor – is kept at bay by the government without a timely release. Unfortunately, many negotiations can get stuck in this pre-release stage. Since 2006, the NMB has released workers for strike action only twice, despite several contracts being years past their amenable dates (the RLA version of an expiration date). In contrast, there were dozens of such releases from the NMB in the preceding two decades.

The letter urges the NMB to use all its powers to facilitate fair labor agreements. This includes releasing workers to strike after a 30-day cooling off period, as provided by the statute. When negotiations are stalled, it's time to let working people exercise their bargaining power. A release doesn't mean a strike. It means the possibility of one. And if employers understand that delay leads to release, we are likely to see more good faith efforts to reach a final agreement.

A copy of the sign-on letter is pasted below.

The deadline for signing the letter is May 10, 2024. To sign onto the letter or if you have any questions, please reach out to [maura.weaver@mail.house.gov](mailto:maura.weaver@mail.house.gov) with Rep. Stansbury, [tommy.wolfe@mail.house.gov](mailto:tommy.wolfe@mail.house.gov) with Rep. Norcross, or [matthew.clarkin@mail.house.gov](mailto:matthew.clarkin@mail.house.gov) with Rep Fitzpatrick.

Thank you for your consideration and support for railway and aviation workers.

Sincerely,



Jody Calemine  
Director, Government Affairs

## TEXT OF SIGN-ON LETTER:

Dear Chair Hamilton, Member Puchala, and Member Sweatt:

We are writing to express our concern about the number of ongoing, protracted contract negotiations between parties before the National Mediation Board. As you know, there are thousands of workers across the country who are currently being subjected to drawn out contract negotiations, and we urge you to use the tools at your disposal to ensure the timely resolution of these cases.

First, we want to acknowledge the work of the National Mediation Board (NMB) in dealing with the unprecedented level of bargaining in recent years due to pent-up demand from delayed bargaining during COVID. With the NMB's assistance, most of these negotiations are settled, demonstrating the professionalism and hard work of the Board and your staff. We are committed to providing you the resources to do your job moving forward.

However, we are concerned about the increasing number of contract negotiations before the NMB that are being unfairly drawn out to the detriment of workers. We understand that there are certain ongoing negotiations that have dragged on for as long as five years, and we have heard from workers who are justifiably concerned that they are being subjected to unfair delays in the bargaining process. For example, we know that over 100,00 flight attendants are currently in contract negotiations, many of whom are working under the terms of contracts that are now several years past the contract amendable dates. Furthermore, many of these workers were on the frontlines throughout the Covid pandemic and made countless sacrifices to keep their companies financially afloat, and it is important that they are able to reap the benefits of the collective bargaining process in a timely manner.

We are also concerned that the reason for these increasingly prolonged negotiations is due in part to the recent inability of workers to avail themselves of self-help options to facilitate labor disputes. It has long been understood that the best way to achieve labor peace is through collective bargaining backed by the threat of "self-help" for both parties, including the right to strike for workers. Indeed, workers across a range of professions have secured groundbreaking new contracts in recent years, many of which were won due to workers' credible ability to exercise self-help options.

But, over recent decades, workers' ability to utilize self-help options has been eroded. In fact, there have been only two releases to strike of airline workers since 2006, the last being Spirit Airlines Pilots in 2010, compared to dozens in the 1980s and 1990s. Thus, management has little incentive to reach agreements with their workers in a timely manner and many companies have used this development to their advantage, resulting in interminable negotiations and unnecessary labor strife. This strains the resources of the NMB while delaying much-needed improvements in the lives for tens of thousands of frontline workers.

Accordingly, we urge the Board to use all of the tools at its disposal to encourage the resolution of disputes with ratified agreements that are long overdue.

Thank you for your diligent work to resolve disputes and please continue that work knowing that we support your efforts and use of the statute to encourage settlement of contract disputes.