

## **Basic Railway Labor Act Concepts**

### Carrier:

An entity engaged in common carriage of people or cargo by air or rail. The RLA applies only to carriers by air and by rail.

### Representatives:

Unions or persons or groups of persons authorized to bargain on behalf of a carrier's employees either through an election or voluntary recognition. The RLA requires that representation be designated free of coercion.

### National Mediation Board:

Government Agency responsible for administering the RLA. Handles all representation elections and mediates collective bargaining. Has limited authority to remedy violations of the Act or protect employees whose rights are violated.

### Representation Petition:

A petition filed with the National Mediation Board by an organization, person or persons seeking to represent a group of the employees. Must be approved by at least 35% of the employees of the applicable craft or class if unrepresented or 50% plus one if represented.

### System Wide Bargaining:

RLA bargaining occurs on a system wide rather than a facility wide basis.

### Craft or Class:

A group of employees performing a similar function and considered by NMB as appropriate for bargaining.

### The Status Quo:

The duty not to take action to change rates of pay, hours and working conditions while an agreement is in place or bargaining is occurring.

### Release:

Determination by the NMB that parties are at impasse and should be released to strike, impose final offer or otherwise engage in self-help.

### Proffer of Arbitration:

Offer by NMB to the parties to arbitrate dispute rather than engage in self-help. If one party refuses arbitration, a thirty-day "cooling off" period kicks off prior to strike.

### Major and Minor Disputes:

Major disputes are over what an agreement should be or an attempt to change the agreement; a minor dispute is a dispute over interpretation of the agreement. A Union cannot strike over a "minor" dispute and a Court cannot impose a "status quo" injunction with reference to a "minor" dispute.

### The Duty to Make and Maintain Agreements:

The duty to bargain in good faith to reach an agreement.

### Mandatory and Permissive Subjects of Bargaining:

Topics which the carrier must bargain over which directly relate to rates of pay, hours and working conditions, as opposed to topics which the employer can, but is not legally required to negotiate over.

### **Major Dispute Resolution Process**

The Railway Labor Act prescribes a series of procedures for the resolution of disputes over the formation of, or changes to, the collective bargaining agreements. Such disputes, known as "major" disputes, are governed by statutory requirements. The numbers on the items below correspond to the numbers on the flow chart at the bottom of the page.

1. Written notice of proposed changes in agreements affecting rates of pay, rules, or working conditions ("Section 6 notices") must be given at least 30 days in advance.
2. Within 10 days of receipt of the Section 6 notice, the parties will agree to the time and place for the beginning of conferences (negotiations).
3. The parties engage in direct negotiations in connection with the Section 6 notice. If, during the course of direct negotiations, an agreement is reached the parties are obliged to execute that agreement, i.e. sign a contract.
4. If no agreement is reached in direct negotiations and an "impasse" is reached, either party may request mediation by the National Mediation Board within 10 days of termination of conference. If neither party requests the services of the NMB or the NMB does not proffer mediation, the parties are released to self-help.
5. If mediation is invoked, the NMB is required to promptly put itself in communication with the parties and use its best efforts, by mediation, to bring them to agreement.
6. The parties enter mediation, successful mediation will, of course, lead to a contract.
7. At such time as the NMB concludes that an amicable solution through mediation is not available, it proffers arbitration to the parties to resolve their disputes.
8. If arbitration is refused by one or both parties, the NMB is required "at once" to notify both parties in writing that its efforts have failed (the issuance of a "release") and advise the parties that for a period of 30 days thereafter, except in certain limited circumstances, the "status quo" must be maintained (the 30 day "cooling off period").
9. During the 30 day cooling off period the NMB will make an economic study and may make a report to the President concerning possible substantial interference with interstate commerce. At the end of the 30-day cooling off period both parties are released to pursue self-help (e.g. strike, lockout, impose a contract).
10. UNLESS, the President, upon determination that significant interruption may be done to interstate commerce, appoints a Presidential Emergency Board (PEB). By statute the PEB has 30 days to investigate the dispute and make a recommendation to the President and the parties. Congress may extend the 30-day time limit.

11. While the PEB is investigating the dispute another 30-day status quo period is imposed.
12. At the end of 30 days the PEB makes a report of its findings to the President, Congress and the parties. If the findings are accepted, an agreement is reached and a contract will be signed.
13. Another 30-day status quo period is imposed.
14. If the parties fail to follow the recommendations of the PEB, they will be released to pursue self-help.
15. UNLESS, congress intervenes and imposes a settlement.

# NEGOTIATING UNDER THE RAILWAY LABOR ACT

