



**Joe Trauger**

*Vice President of Human Resource Policy*

September 20, 2010

United States Senate  
Washington, D.C. 20510

Dear Senator:

The National Association of Manufacturers (NAM)--the nation's largest industrial trade association--urges you to support S.J.RES.30, a "resolution of disapproval" to prevent the National Mediation Board (NMB) from changing union election rules under the Railway Labor Act.

Manufacturers are increasingly concerned with efforts to implement major changes to our nation's labor laws outside of Congress through executive branch actions. The NMB's recent decision to promulgate a new rule goes contrary to the intent of the Railway Labor Act and is an attempt to circumvent the legislative process.

The Railway Labor Act requires a majority of all eligible employees to affirmatively choose to allow a labor union to collectively bargain on their behalf with their employer. However, in 2009 members of the NMB finalized a proposed rule which allows union organizers to unionize workplaces if only a simple majority of employees who participated in a union representation election chose to certify the labor union instead of requiring an affirmative vote for union representation from a majority of all employees that would be covered by the labor union seeking to be certified. This approach goes counter to decades of labor law precedent and skews the careful balance inherent in federal labor law.

The NMB failed to demonstrate sound policy justification needed to implement such a sweeping change to our labor law system. The final rule that has been issued is beyond the legal authority of the Board and is arbitrary and capricious. The NAM responded to the NMB's proposed rulemaking and submitted comments highlighting these concerns. Unfortunately the Board finalized the rule in May 2010 without addressing our concerns -- and those of many other employers.

The failure of a union to receive a true majority support among the employees it seeks to represent is disruptive to employee-employer relations and puts the stability of interstate commerce in question. Labor unions covered by the RLA must be able to have the support of the majority of employees to provide effective representation in labor negotiations.

In order to promote fair and equitable labor relations that protect the rights of the majority of workers, an affirmative change -- from a non-union to union workplace -- should require an affirmative majority vote from those eligible to vote. Employees who choose not participate in elections are in effect choosing to maintain the status quo and should not be required to directly participate in representation elections in order to maintain their status.

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The Senate should disapprove this rule by supporting S.J.RES. 30, as it would harm positive employee relations and sets a disturbing precedent for other federal labor boards like the National Labor Relations Board. More importantly, we believe the NMB is circumventing the proper role of Congress in setting our nation's labor laws on a level playing field to protect the rights of those who wish to be represented by a labor union and those who do not.

As manufacturers face tremendous amounts of uncertainty in these challenging economic times, Congress should not allow a federal agency to issue regulations that harm manufacturers' ability to create and retain jobs.

On behalf of manufacturers, we urge your support for S.J.RES.30. We look forward to continue working with you on our shared goals for a strong economy, job creation and promoting fair and balanced labor laws.

Sincerely,

Joe Trauger

JT/ks