



AMERICANS for TAX REFORM

March 27, 2019

Mary Johnson
General Counsel
National Mediation Board
1301 K Street NW, Suite 250E
Washington, DC 20005

RE: Docket No. C-7198

Dear Ms. Johnson:

I am writing in support of the National Mediation Board's (NMB) proposed rule on the decertification of representatives under the Railway Labor Act (RLA). Americans for Tax Reform strongly supports the proposed rule because the rule would treat workers equally whether they support union representation or not.

Americans for Tax Reform (ATR) is a nonprofit organization that opposes all tax increases as a matter of principle and advocates on behalf of all American taxpayers. ATR is interested in the NMB's new proposed rule because the proposed rule would better serve all Americans.

Currently, the process for decertification under the RLA is much more complicated than the process to certify a representative. Current law, therefore, favors workers who want union representation over those who do not. The NMB's proposed rule would restore balance and ensure that all workers, whether they want union representation or not, are treated equally.

The current process for certification of a representative under the RLA is simple and straightforward. Workers who want representation must fill out a card expressing their interest in a representative. If more than 50% of the class or craft signs a card, an election will be held. If more than 50% of the voters support a union representative, the union becomes their representative.

However, the current process for decertification is very different. Workers who don't want union representation must first choose a worker ("straw man") to represent them. The straw man then has to collect cards from more than 50% of the workers in a class or craft in order to apply to the NMB to hold an election. During this election, workers have a choice among the union as their representative, the straw man as their representative, a write-in candidate, or no representation. To decertify the union, a majority of the voters must choose no representation or the straw man. If the straw man wins, he can disclaim interest in representing the workers.

The proposed rule also changes the time period for when a union can apply for recertification again. The union currently must wait only one year to apply for recertification, while those who want to try to decertify the union again must wait two years. The proposed rule would change the time frame to two years for both.

Because the proposed rule would make sure that workers who supported union representation would not be given an advantage over workers who did not favor union representation, Americans for Tax Reform strongly supports the NMB's proposed rule.

Onward,

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President

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