

RLA BARGAINING & MOBILIZATION

**CWA Airline Conference
Las Vegas**

**Robert M. Weaver
CWA District 3 Counsel**

How Did We Get Here?



History of the Railway Labor Act

- RLA was not Congress' first attempt to regulate labor-management relations in the industry
- The Railway Labor Act of 1926 – “The RLA” – was Congress' 6th attempt to get it right
- Congress has amended the RLA 6 times since 1926 (including adding air carriers in 1936)

Background to the RLA

World War I War Effort (1917-18)

- *Establishment of “Division of Labor” run by former Union leader
 - ›*Increased and standardized wages + guarantee of right to join Unions
- *Creation of Boards of Adjustment to resolve disputes
- *3500+ disputes, but only 10 “deadlocks”

Background to the RLA (II)

After World War I

- › Railroads return to private ownership and control
 - › Creation of Railroad Labor Board
- › Adjustment Boards voluntary; no court enforcement
 - › End of WWI-era “National Agreements” + massive layoffs
- › Results in Great Railroad Strike of 1922 (nationwide)

Negotiation of the RLA

- Railroads = nation's first billion \$ industry (1926)
- Railroads didn't want strikes
- Unions wanted to get back what they lost in the years after World War I
- Both sides knew that Congress was going to step in
- Employer and Union representatives negotiated terms of a new law

Result?

The Railway Labor Act of 1926

- Establishes a “*duty to exert every reasonable effort*” to agree on terms
- Establishes binding and enforceable procedures for resolution of disputes in bargaining and contract administration

IN OTHER WORDS: *NO STRIKES*

“Systemwide Bargaining” for “Craft or Class”

***Representation by a Union is on systemwide basis
(all employees in “craft or class” employed by carrier,
not location by location)**

***Policy of NMB is to avoid “undue splintering” of
“craft or class”**

Airline industry:

- 1) deck crew (pilots)**
- 2) cabin crew (flight attendants)**

RLA Section 6

RLA Contracts (rail, airlines) *never expire*

Terms & conditions continue until
a new agreement is reached in the
RLA bargaining process

“STATUS QUO”

45 U.S.C. Section 152, Seventh

Change in pay, rules, or working conditions contrary to agreement or to Section 156 *forbidden*

No carrier . . . shall change the rates of pay, rules, or working conditions . . .
.except in the manner prescribed in such agreements or in (Section 6)

RLA Dispute Resolution Procedures

Two types of disputes

Major

&

Minor

“Major Dispute” = related to collective bargaining

“Minor Dispute” = contract enforcement (i.e.,

“Major Dispute” or “Section 6” Process

- ❑ RLA CBAs do not expire; instead, terms can be amended on a schedule
- ❑ One or both parties give a “Section 6” notice: in writing + proposed changes to terms
- ❑ Once Section 6 notice is given, parties must agree within 10 days to meet + actually meet within 30 days
- ❑ Both parties must maintain status quo until bargaining is complete Status quo = no changes to terms/conditions + no strike

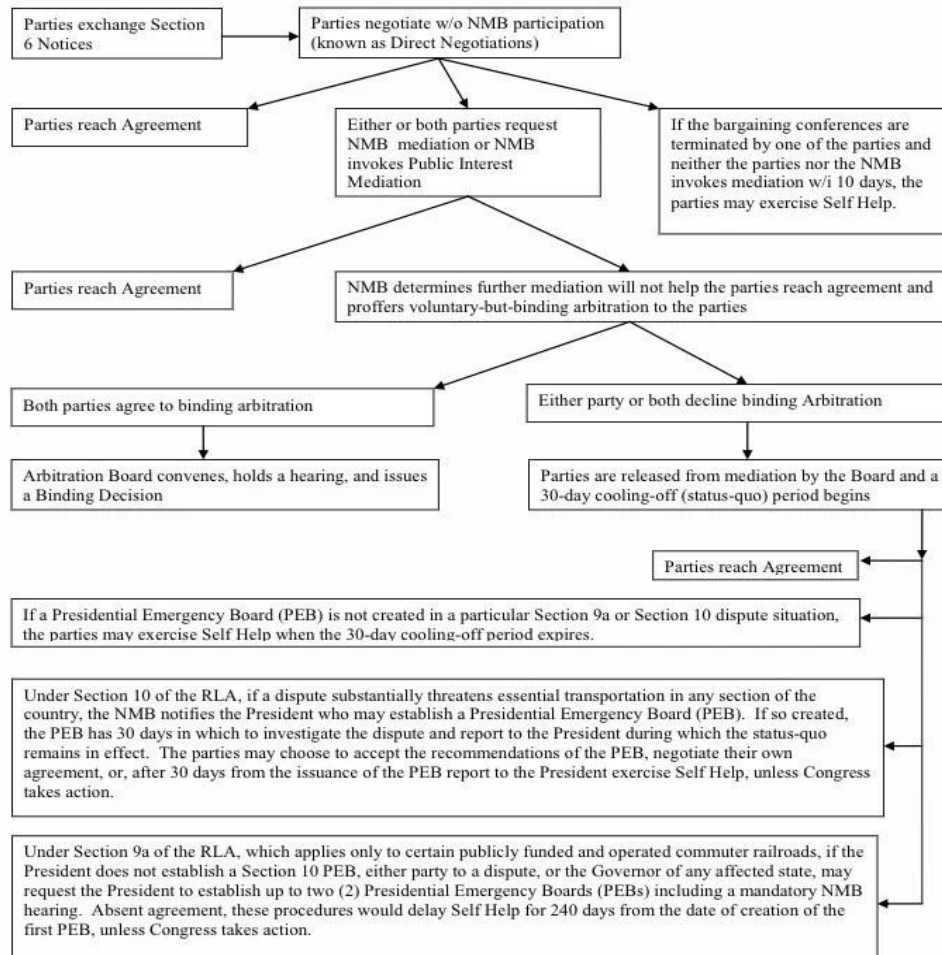
The RLA Dispute Resolution Process



RLA Bargaining Process

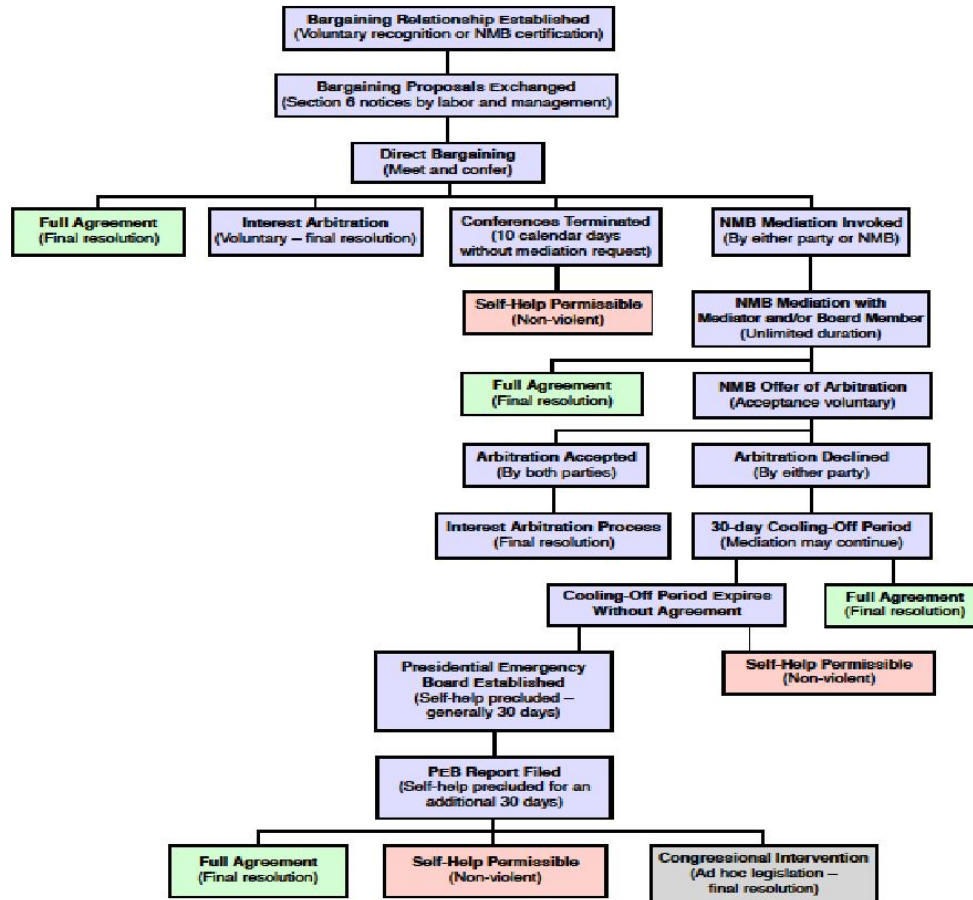
Collective Bargaining Process under the Railway Labor Act (RLA)

March 17, 2010



RLA Bargaining Process (II)

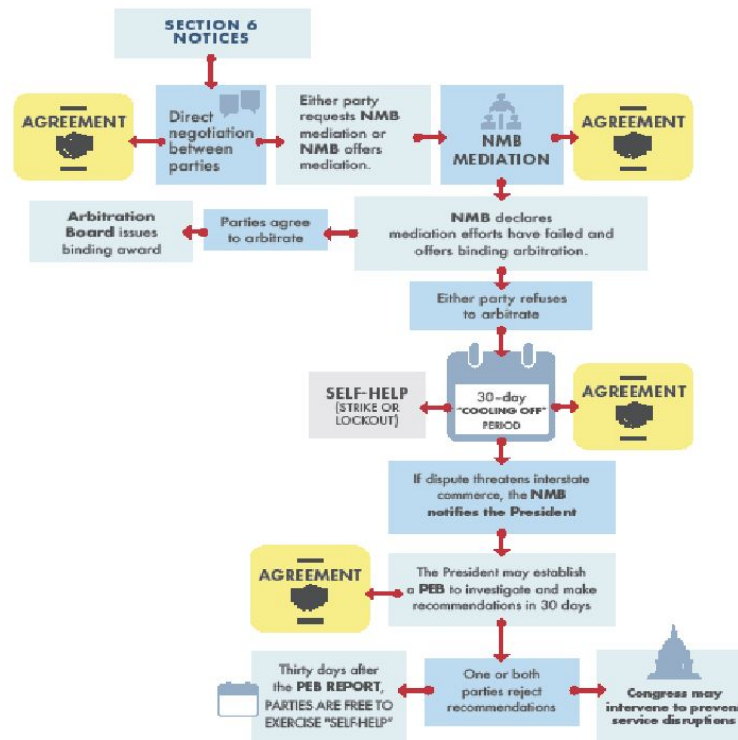
Summary of Collective Bargaining Process under the Railway Labor Act *(Airline and railroad carriers other than public commuter railroads)*



RLA Bargaining Process (III)

Collective Bargaining Under the Railway Labor Act

The flow chart below illustrates the various steps of the RLA negotiation process, including the numerous safeguards that help overcome bargaining stalemates. Although the parties often reach agreement without any outside intervention, the RLA bargaining process can include mediation by an independent federal agency and action by the President of the United States if necessary to facilitate resolution of the parties' negotiations. Even after the RLA process has concluded, Congress has stepped in to prevent or terminate service disruptions that would harm the national economy.



The Takeaway?

- RLA created to avoid disruption in the industry
- Section 6 process designed to keep the parties at the table
- “Status Quo” until parties released from bargaining
 - Unless and until released, no strike + no changes to terms

RLA in the News

- CWA-IBT & AA: TA for new Passenger Services CBA ratified Jan. 8
- AA Pilots ratified TA Aug. 21
- SW Pilots ratified TA Jan. 23
- SW Flight Attendants rejected TA in Oct.; strike vote announced Jan. 26
- AA Flight Attendants request “release” from NMB Jan. 21 (denied in Nov. '22)

RLA in the News (II)

National Freight Rail Bargaining

12 Unions

Approx. 110,000 Rail Employees

RLA in the News (III)

National Freight Rail Bargaining

- *November 2019: Section 6 Notices
- *2020-2021: Bargaining
- *Early 2022: NMB Mediation
- *April 2022: Unions Request “Release”
- *May-June 2022: Further NMB Mediation

RLA in the News (IV)

National Freight Rail Bargaining

*June 14, 2022: NMB Declares Impasse, Offer of Arbitration (rejected by Unions)

*June 17, 2022: Release from NMB, start of 30 day “cooling off” period

*July 2022: Presidential Emergency Board convenes

*August 16, 2022: PEB Report issued, start of

additional 30 day “cooling off” period

RLA in the News (V)

National Freight Rail Bargaining

*Sept. 15, 2022: 11th Hour Bargaining with White House; TA reached

*Sept.-Nov. 2022: Union ratification votes on

the White House-bargained TA

7 Unions Ratify

3 Unions Reject

2 Still Pending

RLA in the News (VI)

National Freight Rail Bargaining

***DOL Secretary Marty Walsh:**

“Congress will have to take action to avert a strike in our country”

***Dec. 2, 2022: Congress passes
the TA into law**

Agreement, or Strike?

*Remember the
Flow Chart!*

Remember the RLA!

TRUE OR FALSE?

The RLA's Duty to
Bargain in Good Faith

means that the Union and company
must come to agreement on
all terms
of a collective bargaining
agreement

FALSE

**THE LAW DOES NOT REQUIRE
THE
PARTIES TO AGREE**

***IT ONLY REQUIRES THAT THE
PARTIES NEGOTIATE IN GOOD
FAITH WITH A VIEW TO
REACHING AN AGREEMENT,
IF POSSIBLE***

The Legal Duty to Bargain is
About

The *Process*

Not the *Outcome*

TRUE OR FALSE?

THE HARDEST AND MOST IMPORTANT
PART OF COLLECTIVE BARGAINING
IS WHAT HAPPENS AT THE
BARGAINING TABLE

THAT'S WHERE WE GET A CONTRACT,
RIGHT?

FALSE

THE **HARDEST & MOST IMPORTANT**
WORK IN BARGAINING IS DONE **AWAY**
FROM THE BARGAINING TABLE

- *Mobilization
- *Information Gathering
- *Prioritizing Proposals
- *Preparing Proposals
- *Analyzing Company Proposals

So, How Do We Get There?

 Flight Information									
10:03am CST Thursday, January 31 American									
Departures									
Dep	Gate	Status	Destination	Flight	Code	Share	Dep	Gate	Status
12:30pm	G10	Cancelled	Knoville	AA 8660	JL 7440		12:00pm	G18	Now 12:20pm
10:45am	K06	Cancelled	Lansing	AA 3409			12:05pm	G17	Cancelled
10:54am	H18	Cancelled	Las Vegas	AA 969			9:30am	K12	Now 10:30am
125pm	L21	Cancelled	Las Vegas	AA 2456			10:22am	H5	Cancelled
10:01am	G12	Cancelled	Las Vegas	AA 168			12:15pm	H17	On Time
10:11am	L10C	Cancelled	Little Rock	AA 3786	AS 4009		9:50am	L22	Cancelled
11:44am	G2A	Cancelled	Little Rock	AA 3188	BA 4785		124pm	G16	Cancelled
10:00am	G14A	Now 11:00am	Los Angeles	AA 1021	MH 9480		10:15am	H11A	Cancelled
120pm	G20	Cancelled	Los Angeles	AA 2144	QF 3182		11:55am	K15	On Time
11:15am	G11	Cancelled	Los Angeles	AA 2611	QF 4915		131pm	H15	On Time
1009pm	H14	Cancelled	Louisville	AA 2976	AS 4469		11:55am	G13	On Time
12:10pm	H16	Cancelled	Madison, WI	AA 3597	JL 7790		9:55am	L10A	Cancelled
12:56pm	G14A	On Time	Madison, WI	AA 4032	AS 4601		11:48am	H1A	Cancelled
11:45am	L10A	Cancelled	Madison, WI	AA 3929	BA 5449		125pm	H18	Cancelled
11:50am	G20	Cancelled	Manhattan, Kansas	AA 3589	BA 5332		118pm	L21	Cancelled
119pm	G1A	Cancelled	Memphis	AA 3757	AS 4141		120pm	H1A	Cancelled
11:44am	G1A	Cancelled	Miami	AA 335	JL 7384		12:15pm	K15	Cancelled
11:50am	G7	Cancelled	Miami	AA 2796	LA 6880		130pm	K16	On Time
9:47am	K3	Cancelled	Minneapolis-St. Paul	AA 1598	BA 1691		12:05pm	H18	Cancelled
125pm	G6A	Cancelled	Minneapolis-St. Paul	AA 122	BA 1642		130pm	K9	Cancelled
9:50am	H18	Cancelled	Moline-Quad City IL	AA 3492	AS 4187		10:05am	G21	Cancelled
11:30am	K2	Cancelled	Montreal, QC	AA 3126	QF 4373		126pm	L20	Now 1:50pm
115pm	G12	Cancelled	Nashville	AA 3592	AS 4150		12:00pm	G6B	Cancelled
10:00am	K15	Cancelled	New Orleans	AA 1119	AS 6220		12:00pm	H10	Cancelled
10:05am	G10	On Time	New York Kennedy	AA 272	JJ 2125		11:51am	K10	On Time
140pm	K20	Cancelled	New York LaGuardia	AA 114	AS 4192		10:30am	H8	Cancelled
10:03am CST Thursday, January 31 American									
Departures									
Destination	Flight	Code	Share	Dep	Gate	Status	Destination	Flight	Code
New York LaGuardia	AA 381	BA 6619		12:30pm	K3	On Time	Seattle-Tacoma	AA 1213	11:50am
New York LaGuardia	AA 2302	BA 6635		130pm	H8	Cancelled	Sioux City, IA	AA 3643	10:26am
Newark	AA 200	JL 7356		12:05pm	H17	Cancelled	Sioux City, IA	AA 3650	125pm
Northwest Arkansas	AA 3576	JL 7444		117pm	L6B	Cancelled	Sioux Falls	AA 3004	AS 4022
Oklahoma City	AA 3192	AS 4408		10:10am	L2C	Cancelled	Springfield, MO	AA 3160	10:05am
Oklahoma City	AA 3048	BA 4677		120pm	G2A	Cancelled	Springfield, MO	AA 3825	BA 5660
Omaha	AA 3329	QF 6559		130pm	L21	On Time	St Louis	AA 3475	AS 4314
Orlando	AA 2598	JL 7378		12:20pm	K16	Cancelled	St Louis	AA 2441	AS 4711
Palm Springs	AA 2560			9:59am	K3	Cancelled	Steamboat Springs	AA 2986	
Palm Springs	AA 1217			12:10pm	K9	Cancelled	Syracuse	AA 3538	JL 7432
Philadelphia	AA 2095	JL 7672		11:50am	K10	Cancelled	Tampa	AA 1101	AS 4214
Philadelphia	AA 601	MH 9564		136pm	H15	Cancelled	Tokyo Narita	JL 9	AA 8404
Phoenix	AA 1811	JL 7378		9:49am	H9	Cancelled	Tokyo Narita	JL 9	AA 8404
Phoenix	AA 88			11:20am	K5	On Time	Toronto, ON	AA 3080	AS 4042
Portland, OR	AA 3442			10:00am	H18	Cancelled	Traverse City	AA 3051	AS 4577
Richmond	AA 4004	JL 7416		12:20pm	G14A	Cancelled	Tucson	AA 2556	
Rochester, MN	AA 4194	BA 2537		120pm	G17	On Time	Tucson	AA 7228	BA 6518
Salt Lake City	AA 1072	JL 7680		9:55am	K8	Cancelled	Tulsa	AA 3636	AS 4067
Salt Lake City	AA 3079	BA 5679		140pm	G9	On Time	Vail, CO	AA 354	
San Diego	AA 2680	BA 6650		11:45am	H4	On Time	Vancouver, BC	AA 2597	
San Diego	AA 1168	AS 6738		125pm	K8	Cancelled	Washington Reagan	AA 1162	BA 5115
San Francisco	AA 2634	QF 3178		10:2am	K9	Cancelled	Washington Reagan	AA 1486	BA 4804
San Francisco	AA 1470	QF 3122		11:55am	K20	Cancelled	Waterloo, IA	AA 3547	
Santa Ana-Orange City	AA 1051	AS 6992		9:41am	K8	Cancelled	West Palm Beach	AA 178	AS 6991
Scranton Wilkes-Barre, PA	AA 3462	BA 1965		11:45am	G1	On Time	White Plains, NY	AA 3079	AS 4743
Seattle-Tacoma	AA 1045	BA 5719		10:00am	H12	Cancelled	Wichita, KS	AA 3115	JL 7650

Mobilization is the Key

A strong mobilization campaign
shows
that we are organized and unified

Which is the **last thing** the
Company wants to see

Bargaining Process Overview Example

CWA
DISTRICT 6

AT&T SOUTHWEST

BARGAINING PROCESS OVERVIEW

- Formation of Mobilization Networks
- Mobilization Timeline:
 - Surveys
 - Proposals – Limit Number of Critical Items
 - Mobilization Activities
 - Workplace Actions
 - Bargaining Kick-Off
- Organizing Drives
- Union / Education Days
- Strike Vote
- Contract Explanation
- Contract Ratification Vote

UNITED WE BARGAIN . . . DIVIDED WE BEG !!!!!

It Starts with a Structure

Members



Station Activists



Local Union Activists



Media ↔ National Staff/Activists ↔
Research

It Works Like an Organizing Drive

Contract Mobilization
essentially is an
Organizing Drive

The goal is to engage your members
to get their support for the unified effort

Union Security = HUGE Advantage

Private sector unionization rate: 6%

Airline unionization rate: 50%
(and in system-wide units)

With union security in our CBAs
we have a built-in relationship
with 100% of the workforce

TAKE ADVANTAGE OF IT

Check Your Employee List

Is everybody at your station or in your
Local paying dues?

Getting folks signed up for dues

1) is an opportunity to engage the
member

and

1) sends a message to the Company

Update Contact Information

It's hard to mobilize if we're not in

regular contact

With the people we're
mobilizing

*cell phones

*e-mail address

*social media contacts

Organizing Conversations

***Introduce**

***Listen** to their issues

***Educate** about our issues

***Agitate**

***Activate**

Solidarity Actions

- Members participate directly and collectively
- Sends a message to management

Examples

- *single color, ribbon, pin, wristband
- *mass starts, break, lunch
- *special occasion or holiday events
- *"thanks but no thanks"

Identify Issues to Mobilize Around

*Compensation (but be specific)

examples: SW FAs Pay Issue;
corporate
profits; executive compensation

*Health & Safety

example: Piedmont OSHA cases

*Unfair Treatment

examples: HIV+ AA FA fired;
customer abuse; MLK holiday at
Piedmont

Publicize Those Issues

PIEDMONT: Treat ALL Employees Fairly



The Company has made the executive decision to pay their management staff, supervisors and support staff holiday pay for the Martin Luther King Jr. Day holiday.

e believe in fair and equitable treatment for all employees, and such discrepancies can foster a sense of inequity within the workplace. We urge the Company to reconsider and give the holiday to all employees to ensure that all members of our team are treated equally.

Please sign the petition for mobilizers to deliver to the company. Signatures must be legible.

[illegible]

Another Mobilization Opportunity?

Can anyone think of another recent event we should be using as a mobilization tool?

This Conference!



Other Publicity Actions

- Letter writing campaigns
- Targeted public forums
- Appeals to public officials
- Shareholder/Board meetings

Informational picketing

February 13: FAs Day of Action



WORLDWIDE FLIGHT ATTENDANT DAY OF ACTION

FEBRUARY 13, 2024



February 13: FAs Day of Action (II)

WORLDWIDE FLIGHT ATTENDANT DAY OF ACTION

FEBRUARY 13, 2024

• ANC	• CLE	• EWR	• IAH	• MIA	• PHX
• ATL	• CLT	• FLL	• LAS	• MSP	• SAN
• AUS	• DAL	• GUM	• LAX	• ORD	• SEA
• BOS	• DCA	• HNL	• LGA	• PDX	• SFO
• BWI	• DEN	• HOU	• LHR	• PHL	• TPA
	• DFW	• IAD	• MCO		



TWU Local 556



The Ultimate Weapon

IF (*a big if*) bargaining progresses
through all the steps of the
RLA Section 6 process
“SELF HELP”
becomes available

“SELF HELP” = STRIKE

Secondary Boycotts and Intermittent Strikes Under the RLA

In the rest of the private sector,
most secondary activity is
prohibited
by law

Except in some limited
circumstances, a Union cannot
picket with the intent to coerce
a third party

But under the RLA . . .

Secondary boycotts, including
picketing
is lawful

and

So are “quickie” or “intermittent”
strikes

But: be careful of
“slowdowns” or “work to rule”

Threat > Reality

*Remember, we can't strike until the RLA Section 6 process is exhausted

*We don't strike unless we know
we'll
win the strike

How Do We Get There?

MOBILIZATION

mobilization is how we show
the Company we're

ORGANIZED and UNIFIED

Had Enough?

