



TRANSPORT WORKERS UNION OF AMERICA

AFL / CIO

LOCAL 562
AIRCRAFT
MAINTENANCE / STORES
Bostons Title II

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Brothers & Sisters;

The contract negotiation process has slowed quite a bit and the meetings recently between the Union and the Company have not been weekly as in the past. As we move forward into the negotiation process to secure a contract for our members I want to take the opportunity to explain the Railway Labor Act, the law that governs railroads and airlines negotiations. The Railway Labor Act enacted in 1926 as a collaborative effort of labor and management, the RLA succeeded several previous federal statutes dating back to 1888. The Act provided for mandatory mediation and voluntary arbitration of railroad disputes in contract negotiations, as well as for Presidential Emergency Boards (PEB) to enhance dispute resolutions. Key amendments to the Act in 1934 established a three member National Mediation Board (NMB) and authorized the resolution of employee representation disputes by the NMB. In 1936, the jurisdiction of the RLA was expanded to include the airline industry.

The RLA requires labor and management to make every reasonable effort to make and maintain collective bargaining agreements. Initially, the parties must give notice (section 6) to each other of their proposals for new or revised agreements. Direct bargaining must commence promptly and continue in an effort to conclude a new collective bargaining agreement or to narrow their differences. Should parties fail to reach agreement during direct negotiations, either party or the parties may apply to the NMB for mediation. It has been a little over 8 months and we're miles apart. The question has been asked by our members "If we are miles apart why doesn't the Union file for mediation".

Mediation can go on for years as in the case for Amtrak (8 years). The NMB controls the mediation sessions and process **but cannot force either side to agree to contract terms**. There is no incentive for the company to settle, its financial interests are protected because the status quo remains in effect. Under the RLA the contracts become amendable they do not expire. Meanwhile, our pay is frozen and inflation is rising and our buying power is diminishing. The executives got their bonuses and we are still waiting for a contract.

If such efforts do not settle the dispute, the NMB advises the parties and offers interest arbitration as an alternative approach to resolve the remaining issues. If either party rejects this offer of binding arbitration, the NMB releases the parties from formal mediation. This triggers a thirty-day cooling off period. During this time the Agency continues to work with the parties to achieve a consensual solution to the dispute. However, if an agreement is not reached by the end of the thirty-day period, the parties are free to exercise lawful self-help. Lawful self-help includes carrier-imposed working conditions or a strike by the union/organization. **Relax, don't print the signs yet, there's more!** If the NMB determines that a dispute threatens substantially to interrupt commerce to a degree that will deprive any section of the country of essential transportation service, the NMB notifies the President. The President may, at his

discretion, establish a Presidential Emergency Board (PEB) to investigate and report back to the President, respecting such dispute, within 30 days from the date such PEB is created. After the board has been created and for 30 days after such Board has made its report to the President, neither party to the dispute may exercise self-help. So there you have it, labor is restrained from striking the company, by the political process.

The RLA and NMB are not labor friendly as some may think. The RLA needs to be overhauled. Two previous attempts to address this very issue have actually made it worse. The Taft-Hartley Act of 1947 allowed unions to be sued, prosecuted and enjoined by the courts. The Landrum-Griffin Act of 1959 further reduced our rights. The Bush administration has been anti-labor.

Hope this helps! In the meantime, your negotiating committee will reconvene and commence talks with the company this week. We appreciate your patience and support as we work towards an agreement.

In Solidarity,
John Iuliano
President Local 562