

The Mediation Process Under the Railway Labor Act

Entering Mediation

We have filed for mediation as the next step in obtaining our Joint Collective Bargaining Agreement. By filing for mediation we take negotiations out of the black hole of facilitated merger negotiations **to a defined process under the Railway Labor Act**. The following education piece explains the process of mediation under the Railway Labor Act and the steps in reaching a collective bargaining agreement. The vast majority of mediation cases conclude with a ratified collective bargaining agreement.

Mediation & the National Mediation Board

The NMB, whose three members are appointed by the President of the United States, is the federal agency that appoints mediators to assist the parties with productive dialog on their negotiations issues. The mediator establishes when and where the parties will meet and may recess a case from time to time if it is deemed appropriate.

Mediation continues until an Agreement is reached or until the NMB determines that further mediation would be fruitless due to an impasse. Throughout the process and especially as the mediator evaluates the status of our talks it is critical that we make a public showing of our solidarity. Through our collective action, management and the mediator must understand clearly that we stand firmly behind our Joint Negotiating Committee and that we expect fair pay, benefits and work rules for our contributions to United Airlines.

The 30-Day Cooling-Off Period

When the NMB believes that mediation efforts will not result in an Agreement, the Board will make a "Proffer of Arbitration," which if rejected by either party (this is normally rejected) the NMB releases the parties from mediation to enter a "30-Day Cooling-Off Period." During the 30-Day Cooling-Off Period the parties continue negotiations to reach an agreement and normally reach an agreement during this period. If the parties are unable to reach an agreement during the Cooling-Off Period, either party can engage in "Self Help."

For the Union, Self Help means engaging in activities that may inflict economic harm on the Company, up to and including a strike. For the Company, Self Help includes the right to unilaterally impose their changes to our Contract, or to lock us out. The end of the 30-Day Cooling-Off Period is commonly referred to as the "strike deadline," which almost always provides the time pressure needed to resolve the remaining issues in negotiations. During the Cooling-Off Period, the NMB invites the parties to further mediate the negotiations.

A Defined Process

Mediation under the Railway Labor Act is a defined process. At any point in the process, we can reach an agreement with the Company. Very few contract disputes reach the stage of requiring a release into a 30-Day Cooling-Off Period, although AFA and other unions frequently take strike votes as necessary steps to move the process forward and make clear the resolve of the membership to achieve a fair deal for our contributions to the success of the airline. The key point is that unlike facilitated talks, we have a way of moving the process forward if management continues to stall the negotiations.



Negotiations Procedures Under the Railway Labor Act

