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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-4602**

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December 18, 2009

The Honorable Elizabeth Dougherty  
Chairman  
National Mediation Board  
1301 K Street, NW  
Suite 250  
Washington, DC 20005

The Honorable Harry Hoglander  
Member  
National Mediation Board  
1301 K Street, NW  
Suite 250  
Washington, DC 20005

The Honorable Linda Puchala  
Member  
National Mediation Board  
1301 K Street, NW  
Suite 250  
Washington, DC 20005

Dear Chairman Dougherty and Members Hoglander and Puchala:

I write in support of a change to the National Mediation Board's (NMB) Representational Manual to allow for a majority of voting employees to organize under the Railway Labor Act, if they so choose.

As you know, current election procedures require a majority of all eligible workers to cast a vote for a union in order for those wanting a union to prevail. All workers who do not vote are counted as "no" votes against unionizing.

Requiring affirmative votes of an absolute majority of eligible employees in order to recognize a union treats rail and aviation workers differently than employees covered by the National Labor Relations Act as well as U.S. citizens when voting for government officials. I believe that the same democratic process that governs other elections – requiring a simple majority of those who cast a ballot – should be extended to transportation workers covered by the Railway Labor Act.

Employees must have a choice to vote for union representation, against union representation, or not to vote at all. There are often reasons for an individual not to vote – they may simply forget,

do not have a tradition of voting, or may be unable to vote, for example: for medical reasons. A decision to abstain in an election is not the same as a "no" vote and should not be treated as such.

Further, by counting non-participating employees as "no" votes, the Board has created an incentive to suppress voter participation as employers may seek to influence the election by encouraging workers not to vote. The NMB should be encouraging employee participation in representational elections, not hindering involvement.

I do not believe the Railway Labor Act, which was designed to protect the rights of workers to organize and bargain collectively, requires the NMB to conduct elections in this manner. Aviation and rail workers should not be subject to a different and more onerous process when deciding whether to choose union representation. I strongly encourage the NMB to use its broad discretion in setting its election policies and procedures to amend its Representational Manual and update its election procedures to allow a majority of those voting to choose union representation.

Sincerely,



Glenn Nye  
Member of Congress