

Understanding the Process

This flow chart is a brief outline of how the negotiating process works under the Railway Labor Act (RLA). This “map” is not all-inclusive of what you need to understand about the process of negotiating a contract under the RLA. Instead, it’s designed to give you an “at-a-glance” look at the steps involved and what could happen next.

Negotiations Preparations
 Before negotiations begin, the Union leadership works to determine members’ priorities through polling, surveys, and direct communications, builds consensus, and generally sets the course for negotiations.

Section 6 Notice
 The Section 6 notice is a formal written notice conforming to Section 6 of the RLA indicating the intended changes desired in the terms and conditions of employment by one or both parties.

Direct Negotiations
 The Union and management negotiating teams engage in direct negotiations to reach the terms of a new agreement.

Request for Mediation
 If direct negotiations become stalled, one or both parties may request the assistance of the National Mediation Board (NMB).

Mediated Negotiations
 After the request for mediation is made, the NMB will assign a federal mediator to help the parties reach an agreement. *There is no set timeframe for how long mediated negotiations may last.* In fact, the mediator has the power to hold the parties in mediation indefinitely. In recent negotiations, the mediation process has taken anywhere from a few months to more than a year.

Mediated Negotiations Reach Impasse
 If an agreement is not reached and the NMB determines that the parties have reached an impasse, the Board may make a “proffer of arbitration,” which means that the parties have the chance to send the remaining open issues to a special panel that will make a binding determination on the final settlement. Arbitration in the airline industry is rare as both sides must agree to it.

Presidential Emergency Board
 If the NMB believes that the unresolved dispute will threaten to interrupt interstate commerce “to a degree such as to deprive any section of the country of essential transportation service,” the President may create an emergency board to “investigate and report” on the dispute. The PEB has 30 days to examine and offer a resolution to the dispute, though the parties are not obligated to accept the PEB’s recommendations. If the parties reject, a new 30-day cooling-off period begins after which the parties are free to engage in self-help.

Agreement

Termination of Conferences
 If the bargaining conferences are terminated by one of the parties and neither the parties nor the NMB invokes mediation within 10 days or schedules additional conferences, the parties may exercise self-help.

Agreement

Self-Help

Agreement

Both Parties Agree to Arbitration

Agreement

One or Both Parties Reject Arbitration

Release to 30-Day “Cooling-Off” Period
 Intense, mediated talks often involving others from the NMB in addition the the assigned mediator normally are held at some point during the 30-day “cooling-off” period. At the end of the cooling-off period, the parties are free to engage in self-help.

Agreement

Self-Help

Agreement

Self-Help