

# APFA Negotiations and the Changing Culture of the NMB

by APFA President Laura Glading

If I had a nickel for every time I am asked why the National Mediation Board (NMB) has not released us, I could pay for a portion of our raises myself. It is a great question, with a complicated answer. The flow chart we have frequently published showing the negotiations process lists *release* immediately after *impasse*. In this article I will try to explain all of the obstacles that have made advancing to the next step seem interminable and how the APFA has played a significant role in changing a culture and process.

## APFA's role in fixing the real problems...

The NMB is going through transition. That is actually a good thing, but not something that can happen overnight. From 2001 to 2009 the NMB answered to a Republican White House that was clearly not a friend of labor and applied the Railway Labor Act in a way that worked far better for management. Labor unions were rarely released into self-help and with no pressure on management to bargain fairly the negotiation process became virtually endless.

When President Obama was elected in 2008 he immediately put together a transition team that interviewed key groups, including labor unions. APFA was honored when asked to participate and off we went to Washington, where we were allotted two hours to voice our grievances. Labor unions in the aviation industry under the Railway Labor Act agreed the negotiations process was taking far too long. Upon taking office in 2009, President Obama changed the complexion of the NMB by nominating a Democrat and former labor leader, Linda Puchala, to the Board.

Then the NMB, with White House encouragement and support, formed an independent joint labor-management committee, Dunlop II, to "examine the internal functions, policies and procedures of the NMB and report to the Board its recommendations for agency improvement, in particular, for improving the mediation process and delivery of mediation." The initial Dunlop Commission, established in 1994 by President Bill Clinton, focused primarily on the state of labor relations outside of the transportation sector.

During the summer of 2008, prior to any of the aforementioned developments, I approached the other Flight Attendant union leaders at a coalition meeting and recommended that we take the lead in lobbying for legislation that could help stabilize the airline industry, which appeared to be in an

endless spiral downward. It was and still is clear that deregulation is not working and, although it was a hot topic, no other group was working toward a fix. I went in search of answers, working with AFA International President Pat Friend. We ended up at DEMOS, an independent think-tank based in New York City. DEMOS agreed to write a comprehensive report on deregulation and problems in the industry.

The DEMOS report was published in the spring of 2009. The **full report** can be found on the APFA web site. APFA and AFA distributed the report in Washington and looked for sponsors on Capitol Hill to take up our cause. We met with Secretary of Transportation, Ray LaHood, in August 2009, and he agreed to take action that November creating the Future of Aviation Advisory Committee (FAAC). Secretary LaHood distributed the DEMOS White Paper at the initial meeting. The Committee was comprised of labor, management, financial advisors, academics and other representatives from the industry. They were charged with meeting throughout 2010 and then developing recommendations that would help stabilize the industry. The full recommendations of the FAAC can be read [here](#).

On the other front, the Dunlop II Commission published its recommendations on April 16, 2010, including these comments:

*"When available resources are not optimally utilized, then negotiations unnecessarily drift and stall, and frustration and uncertainty take hold. As a result, it is often too lengthy a process, characterized by a lack of direction, with an inordinate length of time spent without making real progress towards reaching agreements. This was particularly evident during the last decade when many thought there was little credible threat of a release from mediation being issued by the Board. These are serious but not insuperable problems..."*

The full Dunlop II Commission report can be found [here](#).

## What's up at the NMB?

Although we have been completely frustrated that the NMB has taken so long to respond to our request, the Board is not our enemy. We have to take into account not only the circumstances surrounding our particular negotiations, but also other issues the Board has dealt with over the first 18 months since the Democrat-appointed members gained control.

First, the NMB has taken some very tough action to help working Americans. For one, it changed the way votes are calculated in a representation election. Although that does not directly affect us, anything that strengthens unions in our industry is good for us.

Second, it has conducted probably the largest number of representation elections in a three-month period in recent history. As a result of the Delta and Northwest merger, tens of thousands of employees were eligible to vote in nine elections covering flight attendants, fleet service, agents and other work groups. While the NMB has concluded these elections it must now deal with a mass of allegations that Delta interfered with the voting and deprived the participants of a fair and free election. Third, it is still undergoing an internal reorganization, having appointed a chief of staff only a few months ago, its first in approximately 10 years.

We also have to consider the factors specific to our negotiations that may have affected the Board's decision-making. Clearly, the NMB was not going to take any action while the outcome of the TWU ratification votes were pending. Those results were not announced until late August.

In addition, it is important to remember that the Board members answer directly to the White House. The delays this fall were in all likelihood attributable at least in part to the administration's concern over the effect a potential strike would have on last November's mid-term elections. Similarly, it appears that the White House wanted to avoid an interruption in flight operations during the Christmas holiday. Notwithstanding the NMB's inaction over the past seven months, it is at least not wasting any time in getting the parties back to the negotiating table in 2011 - it has scheduled our first meeting on the second business day of the New Year.

I said in a Hotline recently that we cannot control the challenges we are faced with - but we can control how we react to those challenges. While the developments discussed here were by no means of our making, we will respond as we have throughout these negotiations - by fighting for our members every day on every front necessary. We will continue our fight for a new contract, we will never give up, and together we will succeed. Thank you for your support...



