



PRESIDENT'S DEPARTMENT
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL
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THE WORLD'S LARGEST PILOTS UNION | WWW.ALPA.ORG

June 4, 2021

Kyle Fortson
Chairman
National Mediation Board
1301 K Street, NW
#250E
Washington, DC 20005

Dear Chairman Fortson,

On behalf of the more than 59,000 members of the Air Line Pilots Association, Int'l (ALPA), I would like to express our appreciation of the National Mediation Board's (NMB) efforts to facilitate labor-management relations for airline pilots as we contribute to this nation's efforts to overcome the pandemic, strengthen the airline industry, and drive a strong economic recovery. Our right to unionize has been critical to airline pilots' securing the dignity of work that only a collective agreement can provide, as well as to the U.S. airline industry's achieving the extraordinary level of safety and financial success made possible by a highly unionized workforce.

I am writing to respectfully ask that the Board take several administrative actions pursuant to its authority under the Railway Labor Act (RLA) that will further protect the rights of labor and foster a strong aviation workforce for the future, while at the same time enhancing the safety of air transportation for the traveling and shipping public.

Even as ALPA celebrates its 90th anniversary this year, we are aware of deeply troubling antiunion efforts by some airlines, whose leaders have attempted to intimidate workers during union organizing drives; retaliate against employee leaders who coordinate organizing efforts; and, perhaps most disturbing of all, intimidate, threaten, and even terminate workers for reporting safety issues that occur in flight operations.

Given the NMB's influence on the airline industry and its workers, as well as the agency's current authority under the RLA, we believe the Board can take immediate administrative actions that will leverage technology and increase efficiency as reflected in its strategic plan, while ending management intimidation tactics and supporting workers' right to union representation.

We respectfully ask the NMB to

- Streamline the certification process to base certification on a majority of authorization cards rather than a protracted two-part process.
- Intervene in real time during the election process to block management interference with unionization efforts rather than waiting until the process concludes and filing to call for an investigation.
- Identify and implement faster, more secure, and more efficient alternatives to mail-in voting, such as online balloting.
- Initiate a rulemaking to reverse the recently adopted duplicative and unnecessary decertification rule, including its discriminatory, arbitrary two-year election bar, which stands in contrast to the applicable one-year bar for successful organizing efforts resulting in certification.

These administrative changes will reinforce the rights of hardworking Americans and modernize the NMB's practices to capitalize on current technology. The changes will also strengthen a unionized workforce in the airline industry and, as a result, contribute to making a safe air transportation system even safer.

For example, the labor protections afforded to airline pilots and other aviation workers under the RLA have led to innovative and productive partnerships among regulators, management, and employees that have advanced safety in ways that ALPA's founders would not have thought possible in 1931. Until the 1990s, the U.S. airline industry made safety improvements based on the investigation of aviation accidents. However, tragedies—such as the American Airlines Flight 965 accident in 1995 in which 151 lives were lost and USAir Flight 5050 in 1989 in which 2 passengers were killed and 21 were injured—prompted the U.S. airline industry to shift from a forensic approach to aviation safety to a proactive approach that allows the industry to identify safety risks before accidents occur.

Today, the strong labor protections afforded by collectively bargained union contracts allow airline pilots and other workers to participate in voluntary proactive safety programs and deliver on our commitment to protect the passengers, flight crews, and cargo we transport by allowing us to proactively report safety issues without fear of retribution. For example, the Aviation Safety Action Program (ASAP), which allows individual employees to report safety issues firsthand, provides invaluable safety information because approximately 90 percent of the ASAP reports are “sole source,” meaning that neither airline nor the regulator would have been aware of the issue had a voluntary safety report not been filed. Similarly, the Flight Operations Quality Assurance (FOQA) program provides near-real-time safety assessments of an aircraft's operation through which airlines and the regulator can contact the individual employees involved to gather data about the safety issue.

Through voluntary safety reporting programs such as ASAP and FOQA, labor-protection provisions granted to the reporter by a collective agreement provide confidence for union workers to raise safety concerns without reservation because of possible punishment. Data from these programs is now being combined across airlines and shared with the regulator for trend analysis. The resulting proactive safety culture, which reflects a risk-based approach to aviation safety, has transformed the airline industry and made flying in the United States the safest in the world for customers and crews.

As Congress recognized by passing the Payroll Support Program, a highly skilled, trained, and experienced pilot workforce is indispensable to the nation's public health and economic prosperity. Since the beginning of the pandemic, airline pilots have transported medical personnel, supplies, equipment, and now vaccines to where they are needed most. The NMB can take action to recognize this clear legislative intent of Congress and act to strengthen worker protections under the RLA.

Relatedly, the success of a proactive safety culture in the U.S. airline industry and the essential role that a unionized workforce plays in achieving its benefits demonstrate the importance of all workers having the ability to exercise the right to unionize. For this reason, ALPA is calling on Congress to swiftly adopt the Protecting the Right to Organize (PRO) Act.

ALPA urges the Board to act swiftly to implement these administrative recommendations to advance a unionized aviation workforce and the safe air transportation system that union workers are proud to provide for the traveling and shipping public.

Sincerely,

A handwritten signature in blue ink that reads "Joseph G. DePete". The signature is written in a cursive style with a large initial 'J' and 'D'.

Captain Joseph G. DePete
President