

UTU protests new NMB rules

WASHINGTON, D.C. – The United Transportation Union has taken the leadership role among rail labor unions to protest new rules proposed by the National Mediation Board (NMB) that would establish a fee schedule for arbitration services, require adherence to a time schedule for referees in order to be paid with government funds, and grant the NMB's director of arbitration services authority to consolidate cases.

In certain circumstances, unions could be required to pick up the cost of arbitration.

The proposed rules could adversely affect efficient administration of the National Railroad Adjustment Board, public law boards and special boards of adjustment – all of which are crucial to equitable grievance handling.

The proposed rules, said the UTU, could

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burden unions with inequitable costs when, in fact, carriers are the primary beneficiary of most arbitration actions as unions are not permitted to strike over so-called minor disputes, which include interpretation of contracts.

The UTU told the NMB that the rules it proposes are beyond its statutory authority, would violate specific statutory commands

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and are just plain inequitable. Indeed, in 1934, rail labor gave up the right to strike over so-called minor disputes in exchange for government funding of arbitration.

“The NMB’s sole functions in the mandatory arbitration process” are the appointment of referees and the setting of compensation for referees at the National Railroad Adjustment Board, the UTU told the NMB. The role of the NMB is not to impose fees upon unions for arbitration services.

The UTU said the proposed fee schedule does not make clear that carriers would also

share with unions the costs the NMB wishes to shift to the parties. “If fees are to be imposed, both parties should pay them,” the UTU said.

“The carriers are the beneficiaries of the mandatory arbitration system under the Railway Labor Act,” the UTU said. “Mandatory arbitration is the basis for enjoining unions from striking over minor disputes. Railroads are richer than unions and they should not benefit from a mandatory arbitration system that limits the right to strike without paying equally.”

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