

Why we want better union election rules

- The 50 percent turnout requirement for airline and rail workers is atypical.

By EDWARD WYTKIND

The winner of an election in this country is the side that gets the most votes. This is the standard, whether in contests for PTA president or U.S. senator. That is, unless you're an airline or rail worker.

Inexplicably, these workers are forced to vote for unions under ridiculously onerous rules: Turnout must exceed 50 percent to validate the election, and all those who sit out are counted as "no" votes.

That's why we are asking the National Mediation Board (NMB), which oversees union organizing drives and collective bargaining in the airline and rail industry, to change these undemocratic union election procedures so that a majority of those voting decide the outcome and nonvoting employees no longer get counted.

It would be ridiculous if the rest of America ran elections under the NMB standard. In every midterm election since 1930, the national turnout was below 50 percent. Three former U.S. presidents and countless senators and representatives would not have been elected under these procedures. A critic of our proposal whose state contains an airline hub — Sen. Bob Corker, R-Tenn. — would have received 21 percent of the vote under the NMB standard instead of winning the election as he did in 2006.

A Star Tribune editorial ("Unions try end run at Delta Air Lines," Oct. 18) regurgitated the industry's claims that the current voting procedures were designed to "minimize economic upheaval from strikes ..."

That is a very interesting argument, but it's just not true.

Nowhere in the law does it say or even imply that the threshold for forming unions in the airline and rail industry should be higher in order to prevent strikes. There must be some secret appendix to the statute that only the airline lobby has obtained. In fact, it's quite the contrary: The law states only that a "majority" shall decide the outcome of a union election. And the Supreme Court has confirmed that the NMB has wide discretion to interpret what constitutes a majority. The highest court even stated that the term majority is "generally construed as requiring only the consent of the specified majority of those participating in the election."

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By the way, there aren't fewer strikes based on how workers elect unions. The Railway Labor Act does seek to minimize disruptions in interstate commerce — but that is accomplished through a rigid process of bargaining and mediation. And only after the NMB "releases" labor and management can there be a strike or lockout. I would be the first to say that the NMB routinely holds parties hostage to endless mediation well beyond any standard of what is reasonable. But while all of this may be interesting, it has absolutely nothing to do with our request to change NMB voting procedures.

The current voting procedures are fundamentally unfair and encourage and reward employer-run voter suppression campaigns. So it's not surprising that the airline CEOs don't like our proposal to change an unfair status quo. You see, NMB statistics show that unionization in the airline industry has slowed in recent years. It's hardly a coincidence. Eighty-five percent of aviation and rail union elections include an employer-mounted campaign against the union.

Ask Delta about its campaign to block unionization efforts by its workers. The company's most recent voter suppression campaign in 2008 was called "Give a Rip" and urged flight attendants to rip up their government-issued ballot instructions. In that election almost 100 percent of Delta flight attendants voted in favor of unionization, but thanks to Delta's campaign, turnout was below 50 percent, so the overwhelming support for a union was nullified.

Management's playbook is simple: hire union avoidance consultants, run voter suppression campaigns to keep turnout low, make sure all those who stay home are counted as "no" votes and count on the NMB's outdated rules to help block unionization. If I were an airline CEO, I'd also work hard to preserve the status quo.

But for the rest of us, it is time for change. All we are asking for is a dose of democracy for airline and rail workers. A system for elections that has worked well for more than 200 years in American politics will work just fine in airline and rail union elections.

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