Collective Bargaining Process under the Railway Labor Act (RLA)
March 17, 2010

Parties exchange Section 6 Notices → Parties negotiate w/o NMB participation (known as Direct Negotiations) →

Parties reach Agreement

Either or both parties request NMB mediation or NMB invokes Public Interest Mediation

If the bargaining conferences are terminated by one of the parties and neither the parties nor the NMB invokes mediation w/i 10 days, the parties may exercise Self Help.

Parties reach Agreement

NMB determines further mediation will not help the parties reach agreement and proffers voluntary-but-binding arbitration to the parties

Both parties agree to binding arbitration

Arbitration Board convenes, holds a hearing, and issues a Binding Decision

Either party or both decline binding Arbitration

Parties are released from mediation by the Board and a 30-day cooling-off (status-quo) period begins

Parties reach Agreement

If a Presidential Emergency Board (PEB) is not created in a particular Section 9a or Section 10 dispute situation, the parties may exercise Self Help when the 30-day cooling-off period expires.

Under Section 10 of the RLA, if a dispute substantially threatens essential transportation in any section of the country, the NMB notifies the President who may establish a Presidential Emergency Board (PEB). If so created, the PEB has 30 days in which to investigate the dispute and report to the President during which the status-quo remains in effect. The parties may choose to accept the recommendations of the PEB, negotiate their own agreement, or, after 30 days from the issuance of the PEB report to the President exercise Self Help, unless Congress takes action.

Under Section 9a of the RLA, which applies only to certain publicly funded and operated commuter railroads, if the President does not establish a Section 10 PEB, either party to a dispute, or the Governor of any affected state, may request the President to establish up to two (2) Presidential Emergency Boards (PEBs) including a mandatory NMB hearing. Absent agreement, these procedures would delay Self Help for 240 days from the date of creation of the first PEB, unless Congress takes action.