

Metro-North Labor Coalition Action Update

November 2006

A Report from the
BARGAINING FRONT

NMB PROFFERS ARBITRATION

On November 1, the National Mediation Board (NMB) proffered arbitration to every union in the Metro-North Labor Coalition and Metro-North Labor Relations.

The NMB wrote, “Despite the Board’s best efforts to bring about an amicable settlement through mediation, the parties have failed to reach agreement disposing of the above-described dispute. In accordance with Section 5, First, of the Railway Labor Act, the National Mediation Board therefore now requests and urges that you enter into an agreement to submit the controversy to arbitration as provided in Section 8 of the Act.”

Each of the Coalition unions immediately responded to the NMB, rejecting arbitration. (Metro-North immediately accepted the NMB’s offer.) Under the Railway Labor Act, if either party rejects the proffer of arbitration the NMB “shall at once” notify the parties that its mediatory efforts have failed. No change in the status quo can be made by either party for 30 days after such notice.

At the end of the 30 day period, either party may engage in self help, *unless a Presidential Emergency Board (PEB) is appointed.* (Self help means a strike by the employees or a lock-out or imposition of their contract demands by the employer.)

The NMB may recommend the appointment of a Presidential Emergency Board and it would then be up to President Bush whether to appoint one. Alternatively, as a commuter railroad, President Bush *must* appoint a PEB if he is requested to do so by either of the parties or by the Governor of the state(s) in which the railroad operates. It is extremely likely

that Metro-North or the Governor(s) will demand the appointment of a PEB.

If a PEB is appointed, the status quo (no self help) must be maintained for 120 days from the date of the creation of the Board. During that time, the PEB will hold hearings and issue non-binding recommendations to the parties for settlement. If no settlement is reached within the 120 days, any party to the dispute or the Governor(s) of the affected states may request a second Emergency Board. The parties would then have 30 days to submit their final offers to the second PEB, and within 30 days thereafter the second Board will issue a report selecting “the most reasonable” offer.

The parties may not engage in self help for 60 days after the second Emergency Board issues its report. In the event the second Emergency Board selects the railroad’s offer, the employees may strike 60 days after the issuance of the second Board report. If the Board selects the employees’ offer, but the Carrier refuses to accept the offer, the employees also would have the right to legally strike 60 days after the issuance of the report.

We have negotiated as hard as we could to bring you an agreement that you would be proud to ratify, but ultimately Metro-North would not agree to acceptable terms. Throughout these difficult four years, we can be proud as unionists that the Coalition has remained strong and united. That solidarity is the key to achieving a fair and just contract. As we move to the next stage, we will keep you informed of developments.

Metro-North Labor Coalition: American Railway & Airway Supervisors Association, TCU/IAM: Lodge 5041 ♦ International Association of Machinists & Aerospace Workers: District Lodge 19 ♦ International Brotherhood of Electrical Workers: System Council 7 & Local 1575 ♦ International Brotherhood of Teamsters: Local 808 ♦ National Conference of Firemen & Oilers, SEIU: System Council 2 ♦ Sheet Metal Workers International Association ♦ Transportation Communications Union/IAM: System Board 86 & Districts 227, 1043 and 1402 ♦ Transport Workers Union of America: Locals 2001 & 2055