



Legislative Bulletin December 2, 2011

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H.J.Res. 91 - provide for the resolution of the outstanding issues in the current railway labor-management dispute

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Order of Business: H.J.Res. 91 is scheduled to be considered on Friday, December 2, 2011, under [H.Res. 477](#) (the rule for H.R. 3010, H.R. 527, and H.R. 3463), provides that it shall be in order at any time through the legislative day of December 2, 2011, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to a measure addressing railway labor.

Summary: H.J.Res. 91 would resolve by Congress, that consistent with the purposes of the Railway Labor Act to avoid any labor dispute that threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service:

- the parties to the disputes that are the subject of Executive Order No. 13586 of October 6, 2011, between the carriers represented by the National Carriers' Conference Committee of the National Railway Labor Conference and certain of their employees represented by the labor organizations which are party to such disputes shall take all necessary steps to restore or preserve the conditions out of which such disputes arose as such conditions existed prior to 12:01 ante meridiem of December 6, 2011, except as otherwise provided in this joint resolution, which status shall remain in effect through December 31, 2014; and
- the report and recommendations of the Presidential Emergency Board No. 243, dated November 5, 2011, will be binding on the parties and will have the same effect as though arrived at by agreement of the parties under the Railway Labor Act (45 U.S.C. 151 et seq.), and will be effective for the period from January 1, 2010 through December 31, 2014, except as provided in the report and recommendations of Presidential Emergency Board No. 243 regarding the optional election by a labor organization that is a party to this dispute of the January 1, 2015, wage increase.

Additional Information: The 1926 Railway Labor Act (RLA) was designed to avoid disruptions to rail transportation because of labor disputes. The RLA governs collective bargaining between railroads and railroad employees which are represented by major labor organizations. The RLA implemented a nine step process to encourage settlement negotiations, mediation, arbitration and "cooling off" periods before either side is permitted to disturb the status quo by unilaterally changing wages and work rules or locking out workers (in the case of management), or by going out on strike (in the case of labor).

According to the bill text, the recommendations of Presidential Emergency Board No. 243 issued on November 5, 2011 have formed the basis for tentative agreements between some, but not all, of the parties to the disputes. The recommendations of Presidential Emergency Board No. 243 issued on November 5, 2011 have not resulted in a settlement of all the disputes, and all of the procedures for resolving such dispute provided for in the Railway Labor Act will be exhausted as of 12:01 ante meridiem of December 6, 2011, at which time essential transportation services will be subject to interruption. Congress finds that emergency measures are essential to the security and continuity of transportation services by such carriers.

According the Committee on Transportation:

“As of this week, the nation’s largest freight railroads had reached settlements with 60% of their workforce (10 of 13 unions) based on an agreement originally reached with their largest union, UTU (United Transportation Union) in September. UTU represents approximately 1/3 of the total workforce.

The Presidential Emergency Board recommendations reflect the terms of the agreement and include the following:

- Union members will now pay for some of their health care costs – annual deductibles of \$200 individual / \$400 family and copayments for emergency room visits. *(An annual cap is placed on expenses of \$1000 for individuals / \$2000 for families. There is also a \$200 annual cap on how much they contribute to their own health care insurance.)*
- In exchange for these concessions on their health care contributions, they receive a 18.6% salary increase over 6 years and a one-time lump sum payment of 1% of their salary.

The Presidential Emergency Board appointed by President Obama did not include in their recommendations certain benefits for workers belonging to 3 unions. Despite the PEB recommendations, which include generous mandatory pay increases and health benefits, these unions continue to pursue additional

supplemental issues such as increased meal allowances, increased rest-day travel allowances, increased away-from-home expenses, a “Supplemental Sickness Plan,” and new conditions on locomotive cabs.

If the 3 remaining unions fail to reach voluntary agreements with the railroads before December 6th, a stoppage of the entire workforce and a shutdown of the nation’s rail system will occur. This would be catastrophic to our already ailing economy.

H.J. Res 91, Introduced by Chairman Mica, will implement the PEB recommendations and avert a shutdown.”

Committee Action: H.J.Res. 91 was introduced on November 30, 2011 and referred to the House Committee on Transportation and Infrastructure.

Administration Position: No Statement of Administration Policy is provided.

Cost to Taxpayers: A report from CBO was unavailable at press time.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: Though the bill contains no earmarks, and there’s no accompanying committee report, the earmarks rule (Senate Rule XXI, Clause 9(a)) does not apply, by definition, to legislation considered under suspension of the rules.

Constitutional Authority: According to the statement on constitutional authority by Mr. Mica, “Congress has the power to enact this legislation pursuant to the following: Article I section 8 “To regulate Commerce.”

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