Major Dispute Resolution Process

The Railway Labor Act prescribes a series of procedures for the resolution of disputes over the formation of (or changes to) collective bargaining agreements. Such disputes, known as "major disputes," are governed by the following statutory requirements:

1. A written notice of proposed changes in agreement affecting rates of pay, rules or working conditions (referred to as a "Section 6 notice") must be given at least 30 days in advance.
2. Within 10 days after receipt of the Section 6 notice, the parties must agree on the time and place for the beginning of conferences.
3. The parties engage in *direct negotiations* in connection with the Section 6 notice.
4. If, during the course of direct negotiations, an agreement is reached (contingent upon ratification by the Union), both parties are obligated to execute that agreement.
5. If no agreement is reached in direct negotiations (referred to as an "impasse"), either party may request mediation by the National Mediation Board within 10 days of termination of conferences. If neither side calls for mediation, the NMB may still invoke Public Interest Mediation.

   Note: If neither party nor the NMB invokes mediation within 10 days of an impasse, the Union and/or the Company is free to exercise "Self Help" immediately thereafter.
6. If mediation is invoked, the NMB is required to promptly put itself in communication with the parties and use its best efforts, by mediation, to bring them to an agreement.
7. At such time the Mediation Board concludes that an amicable agreement is not available, it proffers binding arbitration to the parties to resolve their disputes. On the other hand, if an agreement is reached under the supervision of the NMB…go back to #4.
8. If arbitration is refused by one or both parties, the Board is required "at once" to notify both parties in writing that its mediation efforts have failed (the issuance of a "release") and advise the parties that for a period of 30 days thereafter, except in certain limited circumstances, the status quo must be maintained (the 30 day "cooling off period").
9. During the 30 day cooling off period the President may, at his discretion, establish an Emergency Board (PEB) to investigate and report regarding the dispute, and while the Emergency Board is in existence and for 30 days after its report to the President is issued, the parties are required to maintain the status quo.

   Note: The parties are also free to engage in last-minute (a.k.a. "11th hour") negotiations during this 30-60 day time period (depending on how soon, or if, a PEB is established). If an agreement is reached during this time…go back to #4.
10. At the end of the cooling off period, if no Emergency Board is established or if either side rejects the recommendations of the PEB (after 30 days of the report), the parties are free to engage in economic action to attempt to resolve the dispute. A Union is free to defer indefinitely the exercise of self-help without waiving its rights.
11. Congress may legislate a resolution of the dispute, which legislation is presumptively valid and constitutional. Such legislation may include arbitration of the dispute.