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Congress of the United States

May, 2011

Chair
Select Intelligence Oversight Panel
Committee on Appropriations

Committee on Education
and Labor

Permanent Select Committee
on Intelligence

Committee on Natural Resources

Honorable J. Michael Lightner, Regional Director
National Labor Relations Board – Region 22
20 Washington Place
5th Floor
Newark, New Jersey 07102-3110

RE: NLRB Case No. 22-CA-29937

Dear Director Lightner,

I have been following and monitoring the efforts of my constituents to unionize Durham School Bus, an affiliate of the National Express Group. In December, 2009, I served on a National Express Monitoring Commission and helped to assess workers' allegations about anti-union behavior by National Express Group's U.S. management. At the time, we learned that 140 unfair labor practice charges had been filed against the Company and the NLRB had issued 60 formal complaints. I understand that these numbers have increased since the Commission Report to over 200 unfair labor practices filed and 61 formal complaints issued.

Durham operates approximately ten school bus yards in New Jersey. It has come to my attention that Durham continues its anti-union conduct at a number of these yards. I am writing in particular about recent events at the Durham Middletown yard. About 100 drivers and monitors work at this yard. These drivers and monitors voted against unionization on October 9, 2009 by a close vote. The Company ran an anti-union campaign that the International Brotherhood of Teamsters believes violated the National Labor Relations Act and the Union filed a number of unfair labor practice charges during the campaign. The Union also filed objections to the election and the Company faced with complaints with the NLRB agreed to another vote held on March 26, 2010. The union narrowly won this election, 51 to 49.

Since that time the Company has done all it can do to delay bargaining. Recently, a decertification petition was filed for the Middletown yard and an election is currently set for May 20th. The Union has filed a number of unfair labor practice charges alleging Company interference, including an allegation of Company involvement by aiding and abetting filing of the decertification petition.

Recently, the Company also announced that it would be closing its nearby Wayside, New Jersey school bus yard and consolidating its routes with other of its

existing yards. The Middletown yard shares routes and a similar geographic area and Wayside workers are likely to be transferred to the Middletown facility.

Because of these recent events, I am requesting that the Board delay the decertification election vote. I believe it is fair to delay the election until any past unfair practices are investigated. In addition, I am requesting a delay until the matter of the relocation of Wayside yard employees is sufficiently resolved because Wayside workers may well have the right to vote in the Middletown election if they are transferred to that location by the company.

I appreciate your time and attention to this important matter and keeping my office informed regarding this matter.

Sincerely,



RUSH HOLT
Member of Congress