

**BEFORE THE
NATIONAL MEDIATION BOARD**

Docket No. C-6964

**COMMENTS OF DELTA AIR LINES, INC.
IN RESPONSE TO
NOTICE OF PROPOSED RULEMAKING
ISSUED BY THE
NATIONAL MEDIATION BOARD
AT 74 FED. REG. 56750 (NOVEMBER 3, 2009)**

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I. Introduction.

For the reasons set forth herein, and for the reasons set forth at the December 7, 2009 open meeting of the Board, Delta Air Lines, Inc., (“Delta”) vigorously opposes the proposed rule changes. Delta Air Lines and Delta employees are in a unique position with respect to this rulemaking proceeding. Delta employees are the only employees to date who have been directly affected by the Board’s sudden decision — seemingly out of nowhere — to change the voting rules just over a year after forcefully rejecting the very same proposal.

It has now been more than a year since the Delta-Northwest merger took place. Unwarranted delay in resolving representation issues has resulted in a significant delay in affording large numbers of Delta employees their right to exercise their freedom of choice regarding union representation. It also has prevented Delta from aligning the pay, benefits and work rules of large numbers of pre-merger Delta and Northwest employees. The result is that some groups of Delta employees are fully able to participate in the benefits of the Delta-Northwest merger while others are prevented from doing so.

AFA and IAM have campaigned actively for more than a year to organize Delta’s employees, but apparently became convinced that they could not win the support of a majority under the election rules which have governed everyone else for the last 75 years, and under which the AFA recently won two elections, including one at Compass, a Delta subsidiary.¹ As a result, the AFA and the IAM withdrew, virtually simultaneously with the Board’s issuance of its NPRM, the representation applications which they had filed during the summer of 2009, and

¹ *USA 3000*, 37 NMB 1 (2009) and *Compass Airlines*, 37 NMB 63 (11/19/2009). In both of these cases, AFA won the election and was certified, and in both cases AFA’s application was filed subsequent to AFA’s application to represent Delta’s flight attendants. Indeed, the current Board has authorized, at a minimum, 15 elections under the existing rules since Member Puchala was sworn in on May 26, 2009.

became the prime movers in support of this effort to change the Board's longstanding election rules.² AFA has not been bashful about its intentions. Indeed, it publicly proclaimed that the change of administration was the reason it expected to succeed in changing the rules so soon after the Board unanimously rejected its prior request.³

Delta and Delta employees have been singled out for discriminatory treatment. Representation cases at other carriers filed in the summer of 2009 have proceeded to resolution under the existing rules; only those at Delta have been delayed, and then withdrawn, to await the new rules. Indeed, some of the representation issues resulting from Delta's acquisition of Northwest Airlines were resolved early in 2009 by elections under the existing Board rules,⁴ while other Delta employees are now apparently to be subjected to different rules for no reason other than the wishes of the AFA and the IAM and a change in the membership of the NMB. In this context, there can be no doubt that Delta was the subject of Chairman Dougherty's observation that there is a "growing perception that the majority is attempting to push through a controversial election rule change to influence the outcome of several very large and important representation cases currently pending at the Board." Delta Exhibit B (Letter from Chairman Dougherty to Senators at p. 2 (Nov. 2, 2009)).

² *Northwest Airlines, Inc./Delta Air Lines, Inc.*, 37 NMB 19 (10/30/2009) (IAM application re Fleet Service employees filed 8/13/2009; dismissal withdrawn during investigation); *Northwest Airlines, Inc./Delta Air Lines, Inc.*, 37 NMB 21 (11/3/2009) (AFA application filed 7/27/2009; dismissal withdrawn during investigation).

³ In an August 24, 2009 radio interview, AFA's President criticized the current representation ballot form and emphasized how important it was for AFA to have a new Board member in place before the next Delta flight attendant election. See Delta Exhibit A.

⁴ *Delta Air Lines, Inc.*, 36 NMB 88 (2009) (dismissing NAMA application re Meteorologists following election); *Delta Air Lines, Inc.*, 36 NMB 90 (2009) (certifying PAFCA as representative of Dispatchers).

The unions seem quite certain of the outcome of this proceeding. AFA's letter withdrawing its application at Delta made clear that they plan to re-file after the new rules become effective. Delta Exhibit C. Yet the Railway Labor Act ("RLA") is about the protection of *employee* rights, not the interests of unions. The Board has abandoned any semblance of neutrality on representation issues – surrendering the integrity which both the Supreme Court and the NMB have long recognized as essential to the Board's effective discharge of its responsibilities under the RLA. The respect earned by the NMB over 75 years of service, by Boards of every political composition, has been squandered in a matter of weeks by partisan initiatives that strike at the Board's core responsibilities. The consequences of these actions by the Board majority will be long-lasting and profoundly negative. Such conduct by the Board has also trampled on the interests of Delta and *all* Delta employees in the prompt and fair resolution of representation issues resulting from its acquisition of Northwest Airlines. The treatment of the Chairman by the other members of the Board is unprecedented and inappropriate. The gamesmanship surrounding the withdrawal of representation applications by the AFA and IAM is transparent.

In Delta's view, there is no need and no justification at all, for the proposed change in NMB procedures. The purported rationale for the change appears to be a cover for a pre-determined conclusion. In reality, the public record confirms that this proposed change, both in substance and in process, is occasioned by nothing more than a change in the composition of the NMB and the desire of the AFA and the IAM to secure large numbers of Delta employees as prospective members. Such politicization of the NMB has already undermined respect for the integrity and independence of the Board, and is sure to undermine the Board's overall effectiveness in the administration of the Act.

II. The Railway Labor Act Does Not Permit Union Representation To Be Chosen By A Minority Of A Craft Or Class.

The Notice of Proposed Rulemaking proposes to discard the longstanding requirement that a majority of those in the craft or class participate in an election for the results to be valid, thus permitting a minority of the affected employees to choose union representation for all. Such a result, however, is inconsistent with the plain language of Section 2, Fourth of the RLA, 45 U.S.C. § 152, Fourth, which provides that: “The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this chapter.” A system which permits representation decisions to be made by a minority cannot be reconciled with this explicit Congressional command.

A. Section 2, Fourth Defines and Limits The Authority of The NMB Under Section 2, Ninth.

“As with all statutory interpretation questions,” analysis of the NMB’s rulemaking authority in this matter “must begin with the plain language of the statute.” *Negusie v. Holder*, 129 S. Ct. 1159, 1178 (2009). The 1934 amendments to the Railway Labor Act added the above-quoted sentence to Section 2, Fourth of the Act. At the same time, an entirely new section, Section 2, Ninth, was added to the Act to make the NMB responsible for ensuring employee freedom of choice in the designation of the certified representative.⁵ In *Switchmens*

⁵ Section 2, Ninth, 45 U.S.C. §152, Ninth, reads: “If any dispute shall arise among a carrier's employees as to who are the representatives of such employees designated and authorized in accordance with the requirements of this chapter, it shall be the duty of the Mediation Board, upon request of either party to the dispute, to investigate such dispute and to certify to both parties, in writing, within thirty days after the receipt of the invocation of its services, the name or names of the individuals or organizations that have been designated and authorized to represent the employees involved in the dispute, and certify the same to the carrier. Upon receipt of such certification the carrier shall treat with the representative so certified as the representative of the craft or class for the purposes of this chapter. In such an investigation, the Mediation Board shall be authorized to take a secret ballot of the employees involved, or to utilize any other appropriate method of ascertaining the names of their duly designated and authorized representatives in such manner as shall insure the choice of representatives by the employees

Union v. National Mediation Board, 320 U.S. 297 (1943), the Supreme Court described the common origin and linkage of these provisions of Sections 2, Fourth and 2, Ninth, stating that “[t]he Act in § 2, Fourth, writes into law the ‘right’ of the ‘majority of any craft or class of employees’ to ‘determine who shall be the representative of the craft or class for the purposes of this Act.’ That ‘right’ is protected by § 2, Ninth which gives the Mediation Board the power to resolve controversies concerning it and as an incident thereto to determine what is the appropriate craft or class in which the election should be held.” *Id.* at 300-01. Thus, the statutory “right” protected by Section 2, Ninth is the right of the majority of employees in a craft or class to determine who shall be their representative. While the NMB has discretion as to how to determine the majority choice under Section 2, Ninth, it does *not* have the authority to vary the requirement of Section 2, Fourth that the choice must be made by a majority of the affected employees.

B. The Plain Meaning Of The Majority Language Of Section 2, Fourth Has Been Approved By The Supreme Court.

In addition to *Switchmen’s Union*, two other Supreme Court decisions, discussed below, have examined the statutory language at issue, and have approved of the Board’s long-standing interpretation of the command of Section 2, Fourth as requiring majority participation in an election.

without interference, influence, or coercion exercised by the carrier. In the conduct of any election for the purposes herein indicated the Board shall designate who may participate in the election and establish the rules to govern the election, or may appoint a committee of three neutral persons who after hearing shall within ten days designate the employees who may participate in the election. The Board shall have access to and have power to make copies of the books and records of the carriers to obtain and utilize such information as may be deemed necessary by it to carry out the purposes and provisions of this paragraph.”

In *Virginian Ry. Co. v. Sys. Fed'n*, 300 U.S. 515 (1937),⁶ the Supreme Court discussed the majority participation language of Section 2, Fourth, and went on to hold that, when a majority of those in the craft or class choose union representation by participating in an election, there is no reason to impose the *additional* requirement that the prevailing union also receive the votes of a majority of the craft or class:

If, *in addition to participation by a majority of a craft*, a vote of the majority of those eligible is necessary for a choice, an indifferent minority could prevent the resolution of a contest, and thwart the purpose of the act, which is dependent for its operation upon the selection of representatives.

Id. at 560 (emphasis added). Based upon the language of the statute, then, the Court recognized that Section 2, Fourth imposed a precondition for certification of an election's results:

“participation by a majority of a craft.” The Court's decision then merely rejected the *further* requirement that the votes cast for a representative in such an election *also* constitute a majority of the craft.

If this language were not sufficiently clear, the Court went on to observe that the RLA's majority rule requirement was premised on “a rule [previously] announced by the United States Railroad Labor Board” which provided that “a majority of the votes cast was sufficient to designate a representative . . . *where it appeared that a majority of the craft [had] participated in the election.*” *Id.* at 561 (emphasis added).

⁶ The NPRM focuses selectively on the language in the *Virginian Railway* opinion indicating that while the RLA “confer[s] the right of determination upon a majority of those eligible to vote, [it] is silent as to the manner in which that right shall be exercised.” *Id.* at 560. This language confirms that the NMB has discretion to determine the mechanics through which the majority can express its will; it does not suggest that less than a majority can make representation decisions despite the statutory language of Section 2, Fourth. The NPRM reads the Court's language as authorizing the Board to dispense with the majority requirement — an overbroad reading which would render the statutory language a nullity.

Subsequently, in *Bhd. of Ry. and S.S. Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650, 659 (1965), the Supreme Court again noted that the RLA “writes into law the ‘right’ of the ‘majority of any craft or class of employees’ to ‘determine who shall be the representative of the craft or class for the purposes of this Act.’” The Court noted the Board’s longstanding requirement of majority participation as a pre-condition to a valid election, then concluded “[t]hus, under the Board’s practice a majority of the craft or class, *as required by § 2, Fourth*, does have the right to determine who shall be the representative of the group or, indeed, whether they shall have any representation at all.” 380 U.S. at 670 (emphasis added). Again, to the Court, majority participation in the election was a precondition to certification, a quorum requirement premised on the fact that the RLA “writes into law the ‘right’ of the ‘majority of any craft or class of employees’ to ‘determine who shall be the representative of the craft or class for the purposes of this Act.’” Any other reading of this language undermines Congress’s evident intent to place the authority to elect representation (or choose among representatives) to the majority of the craft or class, and not to a mere handful of individuals.

C. The NMB Has Recognized The Statutory Majority Requirement For 75 Years.

For more than 75 years, the NMB has uniformly and correctly given the language of Section 2, Fourth the reading approved by the Supreme Court in *Switchmen’s Union* and *Virginian Railway, i.e.*, as requiring that in order to certify the results of an election, at least a majority of those in the craft or class must have participated in the election.

The NPRM is simply not correct when it states that the NMB has always viewed its adherence to its current voting rules as a matter of administrative convenience rather than as

mandated by the statutory language. NPRM, 74 Fed. Reg. 56751.⁷ Shortly after the *Virginian Railway* case was decided by the Fourth Circuit (and prior to the Supreme Court’s decision affirming the Fourth Circuit), the Board stated in its 1935 Annual Report that:

During the year the Board, guided by decision of the courts, changed its ruling with respect to the majority required to determine the election of representatives. In its first rules governing elections the Board had adopted the policy of requiring a majority of all those eligible to vote to determine the choice of representatives. The matter was taken to the courts, however, and Judge Way in the United States District Court for the Eastern District of Virginia ruled that only a majority of the legal votes cast was necessary, *provided a majority of all the eligibles participated in the election*. This ruling was upheld by the United States Circuit of Appeals for the Fourth Circuit.

* * * *

By judicial decision and opinion of competent counsel, the Board *is constrained now to hold that where a majority of the eligible voters participate in the election and all are given opportunity so to vote*, a majority of the legal votes cast will determine the right to certification by the Board of the representation chosen by the class or craft.

2 NMB Ann. Rep. 11 (1936) (emphasis added). Subsequently, the Board explained that “[s]tudied consideration of the [RLA’s] provisions [has] show[n] that *the Act clearly provides that the majority* of any craft or class shall determine the representative of the craft or class for purposes of the Act.” *Pullman Co.*, 1 NMB 503, 508 (1946). Indeed, the Board has previously examined the history of this majority rule requirement and rejected any rule that would certify a union based on a vote of less than a majority of the craft or class. *See Pan Am. Air*, 1 NMB 454, 455 (1948) (notwithstanding Attorney General Clark’s opinion, rejecting the view that the Board should certify elections in which the union obtained only a “majority of a minority”; the NMB’s “duty can more readily be fulfilled and stable relations maintained by carriers’ and employees’

⁷ Similar language appears in the Board’s first Annual Report and has been repeated off and on by the Board thereafter.

representatives by a requirement that a majority of eligible employees cast valid ballots in elections conducted under the Act before certifications of employee representatives are issued”).

More recently, a unanimous Board⁸ adopted the following motion at its June 7, 1978 meeting: “In view of the unchanged forty-year history of balloting in elections held under the Railway Labor Act, the Board is of the view that it does not have the authority to administratively change the form of the ballot used in representation disputes. Rather, such a change if appropriate should be made by the Congress.” Minutes of Session of the National Mediation Board (June 7, 1978) (attached as Delta Exhibit D); *see also* 43 Fed. Reg. 25529.

In 1985-87, the Board conducted an extensive proceeding in response to a petition from the Teamsters to change the majority participation rule and a related petition from the U.S. Chamber of Commerce to create an express decertification mechanism. *Chamber of Commerce of the United States*, 14 NMB 347 (1987). The Board denied both petitions, holding that it would not change the majority participation requirement absent evidence that such a change “is mandated by the [RLA] or essential to the Board’s administration of representation matters.” 14 NMB at 360.

Finally, in 2008, the Board again considered and rejected a request that it change its practice with regard to the majority participation requirement. *Delta Air Lines, Inc.*, 35 NMB 129 (2008). In that case the Board quoted from its Sixteenth Annual Report (1950), stating the Board’s “firm conviction” that its statutory duties “can be more readily fulfilled and stable relations maintained by a requirement that a majority of eligible employees cast valid ballots.” 35 NMB at 131. The Board also noted that “no caselaw...supports [such] an ...extreme departure from decades of balloting rules and procedures.” 35 NMB at 130.

⁸ The Board in 1978 was composed of George Ives, David Stowe, and Robert O. Harris, three of the most distinguished and respected members in the history of the Board.

D. A 1947 Attorney General Opinion Does Not Control Over Statutory Language And Supreme Court Authority.

The NPRM relies heavily upon a 1947 Opinion of Attorney General Tom Clark for the proposition that the RLA permits the “minority rule” voting procedure proposed in the NPRM. That Opinion in turn relies on the “majority of a minority” rule applied under the National Labor Relations Act, which the Opinion describes as using “similar” language. NPRM, 74 Fed. Reg. 56751. There are at least three defects in the analysis reflected in the Attorney General’s Opinion.

First, as the Supreme Court has cautioned,⁹ the language and history of the RLA and the NLRA differ considerably. The majority language of Section 2, Fourth was added to address perceived problems resulting from the existence of competing unions claiming to be the representative of the employees, without regard to whether they actually enjoyed majority support. The result was that — unlike the NLRA — the RLA was crafted to require systemwide representation of each craft or class and to provide for a majority of the employees in such a systemwide craft or class to determine the question of union representation. The result is the “majority” language of Section 2, Fourth, which is explicit and unambiguous; it “‘writes into law the ‘right’ of the ‘majority of any craft or class of employees’ to ‘determine who shall be the representative of the craft or class for the purposes of this Act.’” *ABNE*, 380 U.S. at 659. That is why the Board has long interpreted the RLA to require majority participation for an election to result in certification. *See, e.g., Delta Air Lines, Inc.* 35 NMB 129, 131 (2008); *Chamber of*

⁹ The NLRA “cannot be imported wholesale into the railway labor arena. Even rough analogies must be drawn circumspectly with due regard for the many differences between the statutory schemes.” *Trans World Airlines v. Indep. Fed’n of Flight Attendants*, 489 U.S. 426, 439 (1989) (quoting *Bhd. of R.R. Trainmen v. Jacksonville Terminal Co.*, 394 U.S. 369, 383 (1969). *Accord, Hawaiian Airlines v. Norris*, 512 U.S. 246, 263 n.9 (1994) (RLA and LMRA differ “in language, history and purpose”).

Commerce of the United States, 14 NMB 347, 360 (1987); *Pan Am. Air*, 1 NMB 454, 455 (1948).

The NLRA has no comparable history, and its supposedly parallel provision has no such purposes and contains no such right. Rather, Section 9(a) of the NLRA merely codifies the “exclusive representation” responsibilities of representatives “designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes.” 29 U.S.C. § 159(a). This fundamental difference in purpose, structure, and language cannot merely be tossed off or ignored, as it was in the Attorney General Opinion and as the NPRM purports to do. Rather, we must “presume[] that Congress act[ed] intentionally and purposely when it include[d] particular language in one . . . statute but omit[ted] it in another.” *BFP v. Resolution Trust Corp.*, 511 U.S. 531, 537 (1994); *Chicago v. Env'tl. Defense Fund*, 511 U.S. 328, 338 (1994).

Second, the Attorney General’s Opinion failed to address the Supreme Court’s prior approval of the majority quorum requirement of Section 2, Fourth. Attorney General Clark’s Opinion cites *Virginian Ry. Co.*, but discusses only part of that decision, ignoring the critical fact that the Court noted that a majority of the eligible voters had actually participated in the election at issue. In addition, the Opinion makes absolutely no mention of *Switchmen’s Union*. Moreover, the Attorney General’s Opinion has no legal force, and it has never been tested,

because the NMB¹⁰ has always reaffirmed its own position on the voting rules, and the Supreme Court¹¹ has consistently upheld the NMB's position.

Third, the courts have held that the NLRA "minority" rule that the NMB seeks to adopt here is permissible only because of other express statutory features of the NLRA but absent from the RLA. The principal case relied upon by the Attorney General's Opinion (and, derivatively, by the NPRM) is an NLRA case in which the court explained:

The real test is whether the election is actually representative. This is always a question of fact in the particular case. The Board has recognized this principle by an administrative ruling that in minority elections it will investigate and determine whether the election was actually representative. . . . While the standards by which the Board determines whether a minority election is truly representative are necessarily vague, they may still be subject to judicial examination and review in case the judgment of the Board is arbitrary.

NLRB v. Standard Lime & Stone Co., 149 F.2d 435, 438 (4th Cir. 1945). Thus, according to the Fourth Circuit, the results of an election in which the "winner" obtains only a majority of the minority of the relevant unit may be certified under the NLRA *only* because (a) the NLRB announced its willingness to perform a searching post-election investigation to ensure that the results were "actually representative" of the unit's wishes; and (b) judicial review would be available to consider whether the Board acted arbitrarily in applying "necessarily vague standards."

¹⁰ Less than a year after Attorney General Clark issued his opinion, the NMB flatly rejected a plea to adopt the "majority of a minority" rule for RLA elections. *See Pan Am. Air*, 1 NMB 454, 455 (1948). The Board's position was reemphasized in its Sixteenth Annual Report of the Board at p. 20 and has been applied without interruption ever since.

¹¹ In 1965, the Supreme Court further undermined the Attorney General's Opinion by again noting the Board's long-standing requirement of majority participation as a pre-condition to a valid election. *See ABNE*, 380 U.S. at 670.

The NPRM does not suggest that the NMB intends to engage in anything like the post-election investigation that was a pre-condition to the result in *Standard Lime & Stone*. Indeed, the Board has insisted that the merits of its election decisions are effectively beyond *any* judicial review.¹² Without these safeguards — explicit in the NLRA and absent from the text of the RLA — the analysis on which NMB has relied simply does not apply.

III. Even If The NMB Had The Authority To Adopt The Proposed Rule, Doing So On The Existing Record Would Be Arbitrary And Capricious.

A. The Record Does Not Support Substantive Rulemaking, Much Less Justify Overturning More Than 75 Years Of Established Agency Practice.

Even if the text of the RLA could support the revolutionary changes to existing practices the NMB proposes here, the reckless process adopted by the Board would not. An agency is free within “the limits of reasoned interpretation to change course” but *only* if it “adequately justifies the change.” See *Nat’l Cable & Telecomms. Ass’n v. Brand X Internet Servs.*, 545 U.S. 967, 1001 (2005). The Supreme Court has “frequently reiterated that an agency must cogently explain why it has exercised its discretion in a given manner.” *Motor Vehicle Mfrs. Ass’n of United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 48 (1983). To promulgate the rule the NMB seeks here, it must “examine the relevant data and articulate a satisfactory explanation for its action.” *FCC v. Fox Television Stations, Inc.*, 129 S. Ct. 1800, 1804 (2009), quoting *Motor Vehicle Mfrs. Ass’n of United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463

¹² See, e.g., the NMB’s brief before the D.C. Circuit in *RLEA v. NMB*, in which the NMB argued that there is only one “recognized . . . exception to the general rule of non-reviewability [of NMB decisions] when the Board acts ‘in excess of its delegated powers and contrary to a specific prohibition in the Act. . . . This ‘narrow’ and ‘painstakingly delineated’ exception applies only in extremely rare cases. . . . For more than 50 years of the Board’s existence, only one express statutory command was located: the duty to ‘investigate’ a dispute.” Brief of Appellee National Mediation Board at 13, *RLEA v. NMB*, 29 F.3d 655, 661 (D.C. Cir. 1994) (*en banc*), (Nos. 91-5223, 91-5310) (filed Oct. 16, 1992), 1992 WL 12599921.

U.S. 29, 43 (1983).¹³ Absent a cogent explanation for this about face, the proposed rule is an arbitrary and capricious abandonment of existing agency practice. *Fox Television Stations, Inc.*, 129 S. Ct. at 1811; *see also* Justice Kennedy’s concurring (and controlling) opinion, *id.* at 1822 (“an agency’s decision to change course may be arbitrary and capricious if the agency sets a new course that reverses an earlier determination but does not provide a reasoned explanation for doing so”).

The Board has not even attempted to locate “the relevant data.” Indeed, there appears to be no explanation other than that the Board majority has rushed to introduce a new rule in time to engineer a particular result with a focus on then-pending Delta elections. That effort violates not only bedrock principles of law under the Administrative Procedure Act, but would jettison, without comment or explanation, decades of settled Board practice. The process adopted here makes a mockery of the prudent, deliberate and bi-partisan standards and procedures previously followed by the NMB. Just a brief time after a new Board member (and former AFA President) was sworn in, the industry found itself in a chaotic rush towards a new rule, without any effort to determine whether a justification exists. In fact, none does — as evidenced by the total failure of the NPRM to explain what circumstances changed to call into question the Board’s previously expressed and unanimously held view.

¹³ In the absence of such a careful, reasoned approach, a revolutionary change of this sort would be entitled to no deference in the courts. *See, e.g., BankAmerica Corp. v. United States*, 462 U.S. 122, 130-32, (1983) (according no deference to agencies’ interpretation of a statute that reversed, without adequate explanation, the interpretation employed by those agencies for sixty years); *United Hous. Found., Inc. v. Forman*, 421 U.S. 837, 858 n.25 (1975) (giving “no special weight” to SEC’s interpretation of statute because it “flatly contradict[ed],” without explanation, the Commission’s earlier interpretation); *Malcomb v. Island Creek Coal Co.*, 15 F.3d 364, 369 (4th Cir. 1994) (“agency’s record of unexplained inconsistent interpretation is particularly egregious”); *see also Pauley v. BethEnergy Mines, Inc.*, 501 U.S. 680, 698 (1991) (“the case for judicial deference is less compelling with respect to agency positions that are inconsistent with previously held views”) (citing *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 212-13 (1988)).

B. The Origins Of This NPRM.

Correspondence from the Chairman of the Board to certain members of the U.S. Senate, enclosed as Delta Exhibits B and E, indicates that the Chairman had no role in the formulation of the proposed rule change: there was no formal meeting of the Board to discuss the actual language of the proposed change, no vote to proceed with the proposed change, no discussion of the language used as the rationale for the proposal. Rather, the Chairman stated that she was presented with the proposal and a demand that she immediately accede to its prompt publication as an NPRM. Only when she objected vigorously was she allowed time (24 hours) to review the document and prepare a dissent. Even then, however, her dissent was edited by someone within the Board prior to publication. This raises a significant concern that the two majority-party members of the Board excluded the third Board member from participation in any deliberative process in connection with this NPRM. This in turn raises serious concerns about the Board's good faith in initiating this proceeding. All indications are that the members of the Board majority have already made up their minds to proceed with the proposed change.

C. The Proposed Rule Does Not Satisfy NMB's Announced Criteria And Process For Rule Changes of This Magnitude.

In 1987, when the Board previously considered, and rejected, the same proposed change now under consideration, the Board held that it would materially change its rules only when a proposed change is shown to be "mandated by the [Railway Labor] Act or essential to the Board's administration of representation matters." *Chamber of Commerce of the United States*, 14 NMB 347, 360 (1987). More recently, in 2008, the Board cited and relied upon *Chamber of Commerce* in rejecting a proposal from AFA for a similar change in conducting an election at Delta. *Delta Air Lines, Inc.*, 35 NMB 129 (2008). In that decision, the Board stated:

In the Sixteenth Annual Report of the Board (1950), the Board stated its firm conviction that its duty under Section 2, Ninth, "can

be more readily fulfilled and stable relations maintained by a requirement that that a majority of eligible employees cast valid ballots . . .” The form of the NMB ballot has remained essentially unchanged for over fifty years as well. . . .The language regarding the majority being necessary for a valid election was added as a result of the *ABNE* case The level of proof required to convince the Board the changes proposed are essential, then, is quite high, and has not been met.

AFA proposes a substantive change in the NMB's balloting procedures, rather than the administrative changes entailed by TEV and Internet Voting, without allowing for any notice and comment period. **AFA has failed to provide sufficient justification for changing the decision in *Chamber of Commerce above*, and, in any event, the Board would not make such a fundamental change without utilizing a process similar to the one employed in *Chamber of Commerce, above*.**

35 NMB at 131-32 (emphasis added). The NPRM does not even acknowledge, much less try to satisfy, the Board’s previously announced criteria for change by demonstrating that the proposed rule changes are “mandated by the [Railway Labor] Act or essential to the Board’s administration of representation matters.” 14 NMB at 360.

Moreover, just over a year ago, the Board said that it would never undertake such a profound change to existing election rules without pursuing the careful investigative process it used in the *Chamber of Commerce* matter (including an evidentiary hearing with cross-examination of witnesses). *Delta Air Lines, Inc.*, 35 NMB at 132. The NPRM fails to even acknowledge this procedural standard. The Administrative Procedure Act requires that the Board explain its rationale for abandoning the existing rules and standards. No valid rationale exists; the Board’s administration of its responsibilities under the RLA calls for it to continue to apply the high standards unanimously promulgated by prior Boards.

D. A Solution In Search Of A Problem.

The NPRM proposes to change a practice that the Board has used from the earliest days of the Railway Labor Act and that the Board has repeatedly and unanimously affirmed over the past seventy-five years — including as recently as last year.¹⁴ It is reasonable, therefore, to ask why this change has been proposed; *i.e.*, what problem is this proposed change intended to address. The NPRM does not answer that question.

Instead, it sets forth exceptionally vague statements in the “Summary” that the proposed change is “part of [the Board's] ongoing efforts to further the statutory goals of the Railway Labor Act” and that the NMB “believes that this change to its election procedures will provide a more reliable measure/indicator of employee sentiment in representation disputes and provide employees with clear choices in representation matters.” There are no facts demonstrating problems or inadequacies in the administration of elections under the Act, or that some sort of changed circumstances have compromised the integrity of the ballot process. Indeed, the Board has successfully modernized the ballot process by adopting telephone and Internet voting procedures in recent years by seeking a consensus among labor organizations and other interested parties before the Board acted. *See Internet Voting Comment Period*, 34 NMB 200 (2007).

Implicit in the statement quoted above from the Summary of the NPRM is the proposition that the election procedures used and endorsed by every prior Board in the history of the Act have been inadequate or unreliable and have failed to provide clear choices for employees. Nowhere, however, does the NPRM purport to explain or support such astounding propositions. Indeed, Board reports reflect that the success rate of unions in NMB-sponsored elections under

¹⁴ *Delta Air Lines, Inc.*, 35 NMB 129 (2008).

the RLA has consistently been *substantially higher* than the union success rate under the voting process used by the National Labor Relations Board.¹⁵ It cannot be the case, then, that the current form of ballot discourages unionization or that the RLA's majority rule is an obstacle to union success. Indeed, the union success rate in NMB elections in 2009 was among the highest ever (73%),¹⁶ including two recent cases in which AFA prevailed in NMB-conducted elections at air carriers.¹⁷ The union success rate confirms that employees are not unaware of their choices or the proper method for exercising them. Nor is there any data or other indication that the Board's voting process causes confusion or uncertainty among eligible voters. This is likely due, at least in part, to the fact that both carriers and unions regularly undertake voter education efforts to make sure that employees understand the voting process. It is readily apparent, then, that the proposed change does not address any real “problem” at all, and most certainly does not satisfy the standard which the Board has previously decreed as applicable to such changes as are currently proposed.

In fact, there have been no changes in circumstances that might support such a change — certainly not in the *year* since the Board last rejected a request for this change. It may be true, as the NPRM states, that “circumstances [today] differ markedly from those” existing at the time the current rule was adopted, but those differences cut against, rather than in favor of, the proposed changes.

¹⁵ Review of NMB decisions reveals that the union success rate in NMB-conducted elections under the RLA has been approximately 67.23% from 1935 to date. In contrast, the union success rate in NLRB elections has been approximately 54% from 1948 to date. (Data prior to 1948 is limited). See Delta Exhibit F.

¹⁶ See Delta Exhibit F, Tab 1.

¹⁷ *USA 3000*, 37 NMB 1 (2009) and *Compass Airlines*, 37 NMB 63 (11/19/2009).

E. The NMB Cannot Rely on Unsubstantiated “Science” To Support The Proposed Rule.

As noted above, a valid agency rule must be based on a careful assessment of “the relevant data.” *FCC v. Fox Television Stations, Inc.*, 129 S. Ct. 1800, 1804, 1810, 1839 (2009), quoting *Motor Vehicle Mfrs. Ass’n of United States, Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). The agency must conduct a searching “inquiry into the facts,” “consider[ing] the relevant factors.” *Indus. Union Dep’t, AFL-CIO v. American Petroleum Inst.*, 448 U.S. 607, 705 (1980). Although agencies may consider evidence that might not be admissible in court, the evidence the agency *does* consider must be reliable. It is, by definition, “an abuse of discretion to base a regulation on faulty data.” *Lloyd Noland Hosp. and Clinic v. Heckler*, 762 F.2d 1561, 1568 (11th Cir. 1985), citing *Almay, Inc. v. Califano*, 569 F.2d 674, 682 (D.C. Cir. 1977) (agency failed to consider comments of study director questioning statistical integrity of results); *see also Friends of the Boundary Waters Wilderness v. Bosworth*, 437 F.3d 815, 824 (8th Cir. 2006) (“While the methodology used by an agency is generally entitled to deference, this is only true where the methodology is not arbitrary, without foundation, or ‘so implausible that it could not be ascribed to a difference in view or the product of agency expertise.’ . . . [S]ome of the data relied upon . . . are so unreliable or inadequately explained as to make reliance on them arbitrary and capricious.”); *St. James Hosp. v. Heckler*, 760 F.2d 1460, 1469 (7th Cir. 1985) (overturning rule based on “statistically unreliable” study).

The absence of any empirical data supporting the Board’s proposal is striking. Indeed, the only “data” in the current record that is claimed to support a change in existing practice is found in the Statement of Dr. Kate Bronfenbrenner¹⁸ (attached as Delta Exhibit G).

¹⁸ Bronfenbrenner is a former union organizer and representative for the United Woodcutters Association and the Service Employees International Union; she is currently a lecturer at Cornell’s School of Industrial and Labor Relations.

Bronfenbrenner's Statement and the "data" submitted with it are partisan polemics rather than genuine academic or scientific studies; they are unsubstantiated rhetoric which cannot be relied upon to support the proposed change.¹⁹ The primary thrust of Bronfenbrenner's Statement is that the proposed change in NMB rules is necessary to counter the impact of "voter suppression" activities by employers. Delta Exhibit G at 1-2. Her assertions of "voter suppression" are presented in fancy charts and academic jargon, but there is far less there than meets the eye. At least two independently fatal flaws infect Bronfenbrenner's study: flawed data, and flawed criteria.

1. Flawed Data. An academic looking to produce a serious piece of empirical research uses data from neutral, reliable sources.²⁰ Bronfenbrenner, however, explains that "it is simply not possible to use employers as [a] source," presumably because, as interested parties, they cannot be relied upon to tell the unvarnished truth about the election campaigns. *No Holds Barred* at 5. Her scruples regarding the integrity of her data set are, however, patently one-sided.

¹⁹ Bronfenbrenner's Statement references her separately published report regarding NLRA elections, entitled *No Holds Barred: The Intensification of Employer Opposition To Union Organizing*. The methodology and conclusions of that report are virtually identical to those she used for the limited review of RLA elections from 1999 through 2003 which is reflected in her Statement. A copy of the *No Holds Barred* study is enclosed as Delta Exhibit H. Delta Exhibit I is a copy of a review published by the U.S. Chamber of Commerce which reflects a stinging critique of Bronfenbrenner's failure to follow professional academic or scientific standards in her work on that study.

²⁰ Cf. Fed. R. Evid. 702 (to be reliable and therefore admissible in federal court, expert testimony must be based on "sufficient facts or data"); *Barber v. United Airlines, Inc.*, 17 F. App'x 433, 437 (7th Cir. 2001) ("cherry-pick[ing] . . . of facts fails to satisfy the scientific method and *Daubert*'"); *Caraker v. Sandoz Pharms. Corp.*, 172 F. Supp. 2d 1046, 1049 (S.D. Ill. 2001) (excluding expert report where experts "selectively pluck[ed] favorable numbers...and herald[ed] them as crucial pieces of their...puzzle. . . . Their [methodology]. . . [based on] cherry-picked numbers [is] suspect"); *Lyman v. St. Jude Medical S.C., Inc.*, 580 F. Supp. 2d 719, 726 (E.D. Wis. 2008) ("The data which forms the basis for [expert's testimony] are not reliable [because expert did not] independently verif[y] the reliability of the data before opining"); *MDG Int'l, Inc. v. Australian Gold, Inc.*, 2009 WL 1916728, at *4 (S.D. Ind. 2009) ("An expert must independently verify facts given to him").

Bronfenbrenner had no hesitation in basing her “analyses” almost entirely on “in-depth surveys with the lead [union] organizer[s].” *Id.* Thus, she asked the union organizers whether the employers involved in their campaigns had engaged in unfair election tactics, accepted their responses at face value, and on that basis concluded that “the overwhelming majority of employers [under the Railway Labor Act] are engaging in . . . illegal behaviors.” *Id.* at 5-6. The flaws in such a one-sided approach are similar to those rejected by the courts in *Daubert* challenges to expert testimony. See *Daubert v. Merrell Dow Pharms., Inc.*, 43 F.3d 1311, 1317-18 (9th Cir. 1995) (in the absence of scientifically valid, independent research by the expert for the litigation, “the party proffering [the expert’s testimony] must come forward with other *objective, verifiable evidence* that the testimony is based on ‘scientifically valid principles’” (emphasis added)); *In re TMI Litigation*, 193 F.3d 613, 698 (3d Cir. 1999) (reliability of expert testimony undermined where it was based on interviews conducted by nonprofessionals “aligned with counsel for one of the litigants”); *Montgomery County v. Microvote Corp.*, 320 F.3d 440, 449 (3d Cir. 2003) (district court “properly excluded expert testimony where the sole basis for the testimony was summaries prepared by a party's attorney”).²¹

The Board’s Representation Manual reflects the Board’s longstanding rule that the Board will not consider unsubstantiated allegations of interference, *i.e.*, those that are not supported by evidence sufficient to demonstrate a *prima facie* case. NMB Representation Manual at §17.0. Board cases confirm the wisdom of that rule. See, *e.g.*, *American Airlines, Inc.*, 26 NMB 412

²¹ To similar effect, see *Brooks v. Lincoln Nat'l Life Ins. Co.*, 2008 WL 4355390, at *5 (E.D. Tex. 2008) (“sufficient facts [are] required” for reliable expert testimony; testimony excluded where expert “relied on Plaintiff's attorneys to select and provide to him the [facts] necessary to form his opinions”); *Crowley v. Chait*, 322 F. Supp. 2d 530, 542, 545-47 (D. N.J. 2004) (barring expert report based on facts preselected by partisan in dispute).

(1999) (rejecting union accusations as unsubstantiated); *Northwest Airlines, Inc.*, 26 NMB 269 (1999) (same); *Petroleum Helicopters, Inc.*, 26 NMB 13 (1998) (same); *Dakota, Minnesota, & Eastern R.R. Co.*, 25 NMB 302 (1998). The same logic dictates that the Board, in considering the proposed rule, cannot reasonably rely on a “study” premised on similarly untested allegations by partisans.

Had Bronfenbrenner really been interested in testing the reliability of the partisan reports she received from union organizers, she might have looked to see how many of the elections administered by the NMB each year have resulted in charges of unlawful election interference, and how many of those charges were sustained by the Board (or by a court). The data are easily and inexpensively obtained, but she chose not to do so. In fact, from 1999 through 2003 (the period considered by Bronfenbrenner), the Board supervised 206 elections.²² Allegations of employer misconduct were filed in only 20 of those cases, and in half of them (ten), the Board *rejected* those accusations. *See* Delta Exhibit J. Thus, the Board data show levels of *alleged* employer misconduct *far* below those reported in Bronfenbrenner’s study, and show that *demonstrated* allegations of misconduct were rarer still. It is readily evident then, that the self-interested reports of union organizers on which Bronfenbrenner bases her work cannot be relied upon as factual evidence. The Board cannot and does not simply take partisan accusations of misconduct at face value (*see* NMB Representation Manual at §17.0); neither can it reasonably rely on a “study” premised on biased charges of *precisely* that sort in adopting the proposed rule.

Another problem with Bronfenbrenner’s data is that it is outdated. Bronfenbrenner claims to have “studied” (*i.e.*, interviewed union organizers) regarding NMB elections between 1999 and 2003. Those elections, then, occurred *before* the Board’s opinion in *Delta Air Lines*

²² Excludes run-off elections and elections with special ballots.

rejecting this very proposed Rule. The NMB has attempted to justify this proposed Rule by asserting “changed circumstances,” 74 Fed. Reg. at 56753, but the data underlying Bronfenbrenner’s report *predates* the Board’s prior opinion rejecting this very Rule. Obviously, if the justification for the alleged change in the Rule is materially changed circumstances, those changes must be evident in the period *after* the Board’s prior affirmation of the existing Rule.

2. Flawed Criterion: “Voter Suppression”: It is settled law that an employer has a First Amendment right to communicate with employees about union issues, and to explain its views to its employees so long as it does so without threats or coercion. See *US Airways v. NMB*, 177 F.3d 985, 990-94 (D.C. Cir. 1999); *NLRB v. Gissel Packing Co.*, 395 U.S. 575, 617-19 (1969). Under current Board rules, to vote “no,” an employee simply refrains from voting.²³ Thus, RLA employers accurately have told their employees that the way to vote “no” is to refrain from voting at all. Bronfenbrenner characterizes such constitutionally protected communications as a “pervasive . . . strategy . . . to suppress union votes,” then purports to measure such “voter suppression” and to use it as a basis for changing the Board’s voting practices. Bronfenbrenner asserts that such voter education is somehow improper or undemocratic. This is nonsense, and is inconsistent with many years of NMB case law approving of such voter education: “accurately portraying the way an employee can vote no is not interference.”²⁴ Bronfenbrenner urges a Rule

²³ In the *ABNE* case, the Supreme Court of the United States noted that the way to vote “no union” under longstanding NMB practice is to not vote: “Using the Board’s ballot an employee may refrain from joining a union and refuse to bargain collectively. All he need do is not vote and this is considered a vote against representation.” 380 U.S. at 669 n.5.

²⁴ *Delta Air Lines, Inc.*, 30 NMB 102, 131 (2002), citing *Express I Airlines*, 28 NMB 431 (2001); *Delta Air Lines, Inc.*, 27 NMB 484 (2000); *American Air Lines*, 26 NMB 412 (1999). Indeed, the Board has consistently approved of carrier communications which suggest that employees who want to vote no simply tear up their ballots. In *American Air Lines*, the carrier’s communications stated (a) “the best way to avoid a union is tear up a ballot” and (b) “[t]he surest way to absolutely vote ‘no’ is to not vote at all. Tear up the ballot and throw it away so no one can send it in for someone else.” The Board found no interference, stating that “the information

to make it easier for unions to prevail in order to counter the impact of lawful, constitutionally protected speech.

Bronfenbrenner complains that it is particularly pernicious for employers to suggest that employees discard their ballots because the “no” vote becomes irrevocable: “once that ballot has been torn up it represents a no vote even if the voter changes his or her mind.” Delta Exhibit G at 5. On this point, however, Bronfenbrenner is plainly wrong: the NMB Representation Manual expressly provides that an employee can request a replacement ballot at any time. *See* NMB Representation Manual at § 14.205 (Requests for Duplicate Ballots); §13.206 (Requests for Duplicate Telephone and Internet Voting Instructions).

IV. The Other Arguments In Support of the Proposed Rule Change Are Equally Invalid.

A. Quorum Requirements Are A Common Protection Against Minority Rule.

Proponents of the proposed rule change have repeatedly argued that the RLA’s requirement for majority participation in the representation process is somehow unique or undemocratic. This argument is plainly wrong. Indeed, the concept of requiring participation by a majority quorum of eligible voters as a pre-condition for valid action by a group is common throughout the American legal system. The U.S. Constitution expressly requires the participation of a majority of the members of each house of Congress as a pre-condition to the conduct of official business.²⁵ The concept of a quorum requirement, of course, long predates

American provided regarding the Board’s [voting] procedures was accurate.” 26 NMB at 448. In *Express I Airlines*, 28 NMB at 447, the Board found nothing improper in a company flyer which stated that “[t]he safest way to guarantee that your ballot is not cast in favor of union representation is simply to throw away your ballot and not return it to the Board at all.”

²⁵ Article I, Section 5 of the U.S. Constitution provides that “each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business...” Article II, Section 1 of the U.S. Constitution also reflects quorum requirements for election of the President of the United States by the Electoral

the U.S. Constitution.²⁶ The very purpose of a quorum requirement is to protect the rights and interests of the majority by preventing action by a minority purporting to act on behalf of a majority which is unsuspecting or unaware that action is about to be taken on an issue of importance to them.

B. A Union Representation Election Is Totally Unlike An Election For Public Office.

Proponents of the proposed change have repeatedly argued that a union representation election under the RLA is “just like” an election for public office and should be conducted under similar rules. The analogy to elections for public office, however, is flawed for at least three reasons. First, in an election for public office, there is no question whether there will be a representative, the only matter for decision is the identity of that representative. In contrast, when a union seeks representation rights for purposes of collective bargaining, the central question is whether or not the employees want *any* union representation at all. Thus, the decision for the electorate is far more fundamental in a union representation election. Second, an election for public office is for a defined term, with the right of the electorate to select a different person at the expiration of that term by the identical process through which the incumbent was chosen.²⁷

College (“The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed...”) and by the House of Representatives (“A quorum for this Purpose shall consist of a Member or Members from two-thirds of the States, and a Majority of all the States shall be necessary to a Choice.”).

²⁶ The Eighteenth Century British Parliament had an established quorum system, and “[b]y the time of the 1787 Convention, the legislative bodies of the thirteen states generally operated under majority quorum requirements” as well. See John Bryan Williams, *How to Survive a Terrorist Attack: The Constitution’s Majority Quorum Requirement and the Continuity of Congress*, 48 Wm. & Mary L. Rev. 1025, 1038-1040, n.36, n.44 (Dec. 2006).

²⁷ Many states also have provisions for recall of elected officials prior to the expiration of their terms by special election in the event that the public becomes dissatisfied with the elected representative.

In contrast, election of a union representative under the RLA is virtually permanent, because the arcane NMB procedures make it difficult, and virtually impossible in a large group, to vote to become non-union, as shown by the miniscule number of reported NMB decisions in which an incumbent representative has been displaced in favor of non-union status.²⁸

Third — and probably most importantly — a union representation election under the RLA involves the interests of third parties who cannot vote, i.e. the traveling and shipping public. In an election for public office, the eligible voters have only themselves to blame if they fail to vote and those who do vote elect a candidate who is not a capable public official. If weak unions or union officials could be elected by a minority of voters in a representation dispute in the transportation industry, however, the likelihood of labor instability and disruptions to commerce would be dramatically increased — a result at odds with the central purpose of the RLA.

C. The Proposed Change Is Unrelated To The Issue of Unlawful Interference in RLA Elections.

Proponents of the proposed change have repeatedly cited as justification for the proposed change allegations of unlawful conduct which interferes with employee free choice during NMB-conducted elections. Analytically, however, the two subjects are totally distinct. Employer interference with employee freedom of choice on representation issues is already unlawful under the RLA. Indeed, such interference was one of the other concerns that led to the 1934 Amendments to the Act. *See Virginian Ry. Co.*, 300 U.S. at 543. Carrier interference can be challenged directly in the Federal Courts, or by challenging election results before the NMB

²⁸ The NMB has issued more than 1,272 certifications since 1934, but Delta's research has disclosed only 21 cases in which an incumbent union has been decertified as a result of an election in which less than a majority of eligible employees participated. Only two of those cases occurred in the last ten years, and none of the 21 cases involved a major air carrier and a craft or class of more than 1,000 employees.

when the carrier has allegedly violated the “laboratory conditions” necessary for a fair election. There is nothing in the proposed change which addresses carrier interference or which will necessarily decrease such interference by persons pre-disposed to pursue unlawful coercion rather than education and persuasion during an NMB-sponsored election. For these reasons, vague and unsubstantiated “horror stories” of alleged intimidation and coercion should carry no weight at all in the Board’s consideration of the proposed change.²⁹

CONCLUSION

For the foregoing reasons and those given at the December 7, 2009, open hearing, Delta Air Lines, Inc., urges the Board to reject the proposed rule and reaffirm its commitment to the settled practices that have served employees, carriers, unions and the American people well for more than 75 years.

²⁹ Indeed, this is another reason that fundamental fairness and due process require evidentiary hearings similar to those used by the Board in the *Chamber of Commerce* proceedings in 1987, as requested by multiple parties, including the Air Transport Association of America. Such allegations by their very nature require testimony under oath and the opportunity for cross-examination of witnesses.

Delta Air Lines, Inc.

**Exhibits to
Comments in Response to
Notice of Proposed Rulemaking
Issued by the National Mediation Board**

NMB Docket No. C-6964

Exhibit	DESCRIPTION
A.	Transcript of August 24, 2009 radio interview with AFA President Patricia Friend
B.	Letter from Chairman Dougherty to U.S. Senators, dated November 2, 2009
C.	AFA letter to NMB withdrawing its application regarding Delta, dated November 3, 2009
D.	(1) Minutes of Session of the National Mediation Board (June 7, 1978); and (2) 43 Fed. Reg. 25529 (June 13, 1978)
E.	Letter from Chairman Dougherty to U.S. Senators, dated October 28, 2009
F.	Chart – Comparison of Union Win Rates in RLA and NLRA Elections
G.	Kate Bronfenbrenner, Statement before the NMB Open Meeting of December 7, 2009
H.	Kate Bronfenbrenner, <i>No Holds Barred: The Intensification of Employer Opposition To Union Organizing</i> , Economic Policy Institute Briefing Paper #235, May 20, 2009
I.	U.S. Chamber of Commerce White Paper, “Responding to Union Rhetoric: The Reality of the American Workplace,” 2009
J.	Chart – NMB Cases Alleging Carrier Interference 1999-2003

DELTA EXHIBIT

A

Transcription of August 24, 2009
Interview with AFA-CWA International President Patricia Friend
on The Union Edge Talk Radio Show¹

- Announcer: Welcome to The Union Edge, a daily talk show dealing with working family issues. This program is paid for by Charles Showalter and his sponsors. Now, here's the host of The Union Edge, Charles Showalter.
- Host C. Showalter: Ladies and gentlemen this is Charles Showalter, you're listening to The Union Edge, Labor's Talk Radio. The telephone number to call in today is 412-829-7100. That's 412-829-7100 and we of course are streaming live over the Roots Up and the Working Family Radio Networks. Today is going to be an interesting show but I just want to reach out very quickly and say hello to our friend Rick Mismas (sp?) of the UAW who is a member of the organizing team. Rick's going to call in tomorrow and give us a little bit of an update and give us facts and figures on the "cash-for-clunkers" and a couple of other issues. With that said, today on the show, we've got the International President of the Association of Flight Attendants Communication Workers of America, Pat Friend. Pat is in the leadership position dealing with the -- clarification -- a unit between Northwest Airlines and Delta Airlines Flight Attendants, Cabin Crew Members and we would like to extend a very warm welcome to Patricia Friend. Thank you very much Patricia, welcome to the show.
- Pat Friend: Thank you Charles, I'm glad to be here.
- Host: I appreciate you coming on the show. I know you're a busy person, but this is a -- it's a good opportunity to set some of the facts straight. There's a lot of --like anything else these days, there's a lot of mistruths, innuendos and rumors that are going on and this is a good opportunity for people to listen to the show live now, over the streaming networks and later on today and tonight, to -- what the real facts are and that way people can make an educated decision. So, President Friend, please, tell us a little bit about yourself, the AFA-CWA and what you're working on right now.
- Pat Friend: Well first about our Union, we are the largest flight attendant union in the world. We represent only flight attendants and the issues that concern flight attendants everyday when they go to work are our only -- our only concern. I have been a United Flight Attendant since 1966. I am now retired and finishing up my -- what will be 16 years as the President of this Union. Time to turn it over to the next generation in my opinion, but first we have really the biggest issue that I have faced in my entire career. If I could just give you a little background.

¹ An archived audio file of the interview can be found at <http://theunionedge.com/august-24,-2009-show> (last visited January 4, 2010).

We represent the 7,000 flight attendants at Northwest Airlines and those flight attendants have had union representation and collective bargaining rights for over 60 years. They now find themselves in a situation as a result of the merger between Northwest Airlines and Delta Airlines possibly losing those collective bargaining rights and losing the right to work under a contract. So, that is their concern. Now, if we can talk about the merger partner, the 13,000 Delta flight attendants. We, meaning the Association of Flight Attendants have a -- over ten year relationship with these Delta flight attendants, when they have struggled with our assistance to form their own union and gain the ability to bargain collectively over their wages and working conditions.

Two elections we've had there. Each time getting a little bit closer to the arbitrary goal that the National Mediation Board establishes and if I could just as an aside for your listeners, for our listeners -- the National Mediation Board rules for a represent -- a union representation election are unlike the rules for any other democratic election that you may have heard of. Their rules are that every worker starts out as a no vote and only if you proactively cast your vote that yes you do want a union can you convert that no vote to a yes vote. So 50% plus one of the entire eligible work group has to cast a vote in favor of a union in order for them to gain union representation. So, as I said, we've done this twice now.

Host: And there's been some problems with that in the past. People who have been furloughed from the company for a number of years, people who unfortunately died sometime during the process are still ending up on the "eligible voters" list.

Pat Friend: That's correct and that is primarily again because of the arbitrary arcane rules that the Mediation Board says that if you have any hope at all of being recalled to this job, that you are entitled to vote. And that may seem like the democratic way to go but we know that there are Delta flight attendants who have been on a medical leave for twenty years and will never come back. And they are, according to the Mediation Board rules, allowed to stay on the eligibility list. So the balance of power is really not tilted in favor of the worker. It's really an uphill struggle but, you know, as I, as I say to both groups now, these days, because of this merger, there is the, obviously, the goal to keep the contract for the Northwest flight attendants, but this time the Delta flight attendants with the assistance of the Northwest flight attendants actually have the opportunity to reach the goal that they've been working on for years. They -- these two groups of flight attendants need each other and they can do this together with our support.

Host: Absolutely. And it is my understanding that the last time that Delta Cabin Crew went to a vote, that you took over 40% of the potential population

out there voting. That's a very impressive number in and of itself when you consider that people who don't participate are an automatic no vote.

Pat Friend: That's right and the problem that we have and I've said this in Congressional testimony -- I've said to members of Congress -- if we applied the National Mediation Board rules to your elections, most of you wouldn't be here.

Host: Exactly.

Pat Friend: If fifty percent plus one of your constituents had to actively participate in the balloting because it is not just that the other sixty percent of the Delta flight attendants weren't interested in the ability to bargain collectively, it's that a good percentage of those really just are apathetic and don't take the time to participate in an election which is not unlike our democratic elections in this country. But for those votes to then be counted as a no vote we believe is not a level playing field and we will be urging the National Mediation Board to conduct this next election under normal democratic rules. And that is something that is entirely within their power. The Railway Labor Act, the law, simply gives them the authority to conduct these elections. It doesn't tell them under what conditions. So they have the authority to establish the kind of ballot and we're going to be urging them to use a ballot that is fair for all of the workers.

Host: And have you had communications with them thus far about that?

Pat Friend: We haven't, because maybe I should say where we are in the process. Triggering a representational election in a merger situation where one group is not organized is a little bit different than triggering a normal election. We first had to ask the Board, the Mediation Board, which we did, the end of July, to determine that in fact Delta and Northwest are really a single airline for purposes of who represents the flight attendants. So that's, we're in the process, we've triggered that process, we asked the Board to find for a finding of a single airline. We expect to hear from them around Labor Day that in fact it is a single airline. And because they've found it so for other groups of workers already. So once they have -- once they issue that ruling in saying, yes -- it's really one airline for purposes of who represents the flight attendants and so, we're going to have an election, then that will be the appropriate time for us to say to them -- okay, let's talk about what kind of a ballot we're going to use.

Host: Uh-huh. Absolutely. And, you know, I encourage the NMB to move this into a more appropriate method of voting. When was the Railway Act enacted?

Pat Friend: Oh, 1932 or something.

Host: 1932, okay.

- Pat Friend: It was actually amended I think in 1938 to include aviation. It was originally written, you know, for rail workers.
- Host: Yes, absolutely.
- Pat Friend: Right.
- Host: You know, and this just goes to show you that some of the labor laws that are out there have been tilted for a very long time and may not be as appropriate as they were at one time or another and they need to be looked at very closely and I commend you and the AFA for making that move to make that happen. You know I have read a lot about this current clarification unit. Having been through a clarification unit similar to this under the FLRB, the Federal Labor Relations Board. I have some idea of what you're going through and obviously you have our support in your endeavors. But, you know, there is a -- it appears to me to be a very well choreographed effort on somebody's part to stop the vote, to tell people to tear up their ballots, which you know to me doesn't sound very democratic, but -- you know, can you tell us about what type of opposition you're running into and how you're overcoming it?
- Pat Friend: Right. Well, I should maybe as a little background say that Delta Airlines has operated with only one union, unionized group of workers for -- in their entire history. So you have to first understand that they have -- there was probably no amount of money that they would not invest in keeping any other unions other than the airlines pilot association off of the property, because they don't want to give their flight attendants the right to bargain collectively or the right to have a voice at work. They like it just the way it is where they get to say what the rules are and change the rules whenever they want to. So they have a great deal invested in keeping any of their workers, other workers, from forming a union. So, and what they did, what they have done in both of the previous elections that we've been involved in is they run a massive voter suppression campaign. It's exactly what you said, urging their flight attendants to tear up their voting instructions, tear up their ballots, don't participate -- because that's the way that they ensure that the flight attendants never get -- achieve that voice in their work place.
- Host: And I have -- Well, I'm sorry to interrupt you.
- Pat Friend: No, no go ahead.
- Host: I have to ask. Have they -- have they been cited for any of this anti-union activity?
- Pat Friend: Well under the Railway Labor Act, under the rules, I should say, of the National Mediation Board, they are not allowed -- it specifically says that the workers should be entitled to make a choice about whether or not to

join a union without influence or interference by the employer. So in both cases, both of the elections, we, post-election, we filed with the Board, we filed complaints about interference that in fact it was not a fair election because the employer unduly influenced and interfered with the voting process.

In the first one, which was in early 2002, the Board actually did an investigation and they came back and they said, "Well yeah there was some evidence of interference but we don't think it rises to the level of having to run another election." So fast forward to last year to the Spring of 2008, to the second election. Again, we filed the interference charges. This time the Republican dominated National Mediation Board said, "We're not even going to do an investigation because essentially we don't care." Now in both cases again, the -- one member actually filed a dissent and disagreed.

So, this is a Company that has been -- has been really given carte blanche by the authority that is supposed to oversee this election to do whatever they want. And they have continued to do it, which is part of the argument that we will make in front of the Board when we start talking about the kind of ballot we'll use which is -- look, they have never stopped. They have a huge poster up in their general headquarters that says, no we're not going to be neutral in any union election. I mean they have been so emboldened by getting away with it over these past years that now they are not even being subtle any more.

Host: Well, and it's my understanding that a former Delta officer was actually assigned to the NMB. Could you tell us a little bit about that?

Pat Friend: Oh, actually it was someone from Northwest. This woman is no longer there. She was appointed under the Bush administration. Her name was Read Van de Water. She was the former Government Affairs Vice President for Northwest Airlines. So with the second, the 2008 election took place after the announcement of the merger, and we suggested that Ms. Van de Water should in fact recuse herself because she had some ongoing interests -- she had a small pension from Northwest. She, of course, declined to do that. So that was -- it was very important to us under a new administration that she be replaced. And she was replaced by a woman named Linda Puchala who actually is a former president of our Union.

Host: And with that said, ma'am we're going to take a little bit of a break and when we come back I'd like to talk to you about Linda Puchala and maybe what some of the reliefs are.

[BREAK FOR STATION ID AND NEWS ITEMS]

Host: Ladies and gentlemen this is Charles Showalter, you're listening to The Union Edge, Labor's Talk Radio. Telephone number to call in today is 412-829-7100. That's 412-829-7100 and we are of course streaming live over the Roots Up and the Working Family Radio Networks. Today, if you are just tuning in, we've got International Vice President Patricia Friend of the Association of Flight Attendants Communication Workers of America and President Friend welcome back to the show.

Pat Friend: Thank you Charles.

Host: And you know it's a very interesting story that we have with this clarification unit between the Association of Flight Attendants of America from the Northwest Airlines and the Delta Airlines side. And we were talking just very briefly about the new member that's been appointed to the NMB, Linda Puchala and President Friend can you tell us a little bit about her and what her background is?

Pat Friend: Yes, Linda was -- I think I mentioned this just before the break -- she was from -- if I get my dates right, from like 1979 to 1986 the President of the Association of Flight Attendants. So we've known her for a long time and then for the past five or six years she actually has worked at the National Mediation Board specifically doing some mediation, but mostly running the alternate dispute resolution part of the Board. Linda in my experience, is about one of the best consensus builders that I've ever met so we were just thrilled that we were able to get her nominated and confirmed and to do it in really a timely fashion, you know, I can't take credit, full credit for this, because we had lots of help within the labor movement and within the Obama administration, but for a second tier agency which the National Mediation Board is, to get a member nominated and confirmed before July was really an outstanding effort. There was a lot of people working on it and -- but, it was very, very important to us that we have a properly, sort of fair, Board in place before this election between the Northwest and the Delta flight attendants takes place.

Host: And it should also be pointed out that she has been working with arbitrations, alternate dispute resolution, she is well-respected by both sides of the house when it comes to airline issues, labor issues -- and it's a fantastic thing that she brings to the table for this. And I've actually read some of the executives from various airlines talking about what a good choice she is, and that is encouraging. And you know, alternative dispute resolution is something that was brought up by unions to get past traditional management labor robust discussion so to speak...

Pat Friend: That's a way to put it.

Host: ...is a very positive step forward for the NMB and any other organization that deals with this. You know, and that brings up day-to-day issues with

what's going on within the two airlines -- the single airline now -- and within the industry. Could you tell us a little bit about what's going on with day-to-day issues?

Pat Friend:

Well, I mean it's really with the Delta and the Northwest situation it's really a struggle because although most of the labor relations type management on the Northwest side is now gone and we are dealing with Delta labor relations managers who don't really have any experience at implementing and operating under a contract. That's what they're being required to do, so there are a lot more disputes going on than there would if they were before we lost most of the Northwest management. So even though our contract is still in place and they're required to honor it, it's been a real struggle.

And with the Delta flight attendants, and you know we didn't talk about this, but and it's -- it's so hard for people to imagine but because the Delta flight attendants do not have a collective bargaining agreement, are not represented by a union, they are what is known as "employees at will." And they can be terminated if their supervisor decides that they don't like the way they combed their hair this morning. And they have no recourse. So for those Delta flight attendants who have really put themselves out there over the past years and really working to form their own union, they're very brave.

You cannot underestimate the kind of -- I mean, fear that they operate in daily and the kind of -- it's just the atmosphere. Just to give you a couple of examples, the law allows them to solicit and talk to and organize their peers in non-work areas. So they have sort of what we call crew lounges, in between trips where flight attendants can rest and that is a non-work area, and so that's where the Delta activist flight attendants go to pass out literature and talk to flight attendants. So every time they do that, every time they show up at the crew lounge in Atlanta or Salt Lake City, then the management staff also shows up and just hangs around where they are, which of course is very intimidating and really puts a chill on other Delta flight attendants wanting to step forward and actually talk about the union. So, it's a very, very tense and difficult atmosphere that they're working in really on both sides and we're really looking forward to everybody having the protection of a collective bargaining agreement and having a voice over their wages and working conditions.

We didn't talk about what happened to these flight attendants after each of those two elections when they failed to meet the "fifty percent plus one" standard. The first one, in 2002, the very first thing management did after the ballots were counted and they came up short, they converted their defined benefit plan to a cash balance plan. That was the first thing they did. And they have over the years, you know they have reduced the amount of paid sick time they have, they are constantly eroding their

working conditions, you know, a little bit at a time and it's -- that's what they want to retain -- that's why it's so important to them that they will spend any amount of money and really take all kinds of chances with the law to make sure that these flight attendants never get a voice at work.

Host: And that type of attitude is unfortunate and I think that with the education process, letting the general public know through forums like this, the average citizen out there in the United States I don't think concurs and agrees with those type of tactics.

Pat Friend: I don't think they do either and it's really -- it really is our campaign, which is that the management of this new Delta Airlines, which includes Northwest Airlines, they're -- they have announced that they are going to create, you know, the best global airline in the world. And that's fine. We would like for that to happen. But we intend that the flight attendants will have the best global contract in the world as well, to suit the new global Delta Airlines and that's really what this effort is all about.

Host: Ma'am I want to give you about three or four minutes to talk directly to the flight attendants, the cabin crew, the employees of Delta. Get your message out and we'll go from there.

Pat Friend: Thank you Charles because I think what's important -- and I work and talk to the Delta activists all the time -- but there are a lot of Delta flight attendants who have been persuaded that the union is a third party, the union is heavy handed. I think it's so important for all the Delta flight attendants to understand that this union, the Association of Flight Attendants CWA is flight attendants representing flight attendants. We do not make decisions for the flight attendants. We provide them the professional help and the guidance and the suggestions that they make their own decisions. They decide what's important to them.

Every collective bargaining agreement we negotiate is subject to flight attendant ratification. If the flight attendants don't like it then it is back to the bargaining table where the people sitting at the bargaining table are flight attendants. They will be Delta and Northwest flight attendants. So I just hope that they -- the Delta flight attendants can get beyond their fear and understand that the union is not as it's being portrayed -- it's some third party from Washington coming in to tell you how to run your life, the union is all of you coming together. And we will help you do that and we will help you reach your goals, whatever you decide your goals are. And then if I could just address one more sort of myth that's perpetuated by management, and that is that if you vote for a union you'll no longer be able to talk directly to your supervisor. That is just so far from the truth. I mean we represent flight attendants at twenty different airlines in this country and we have a working relationship with the management at every single one of them. It doesn't -- it doesn't slam the door on good labor

relations if the management of the airline wants to have good labor relations.

Host: Exactly. And ma'am if I may, one of the other things I point out is -- unions are a democratic society. Discussions are often robust and I kid people when I say that, you know, if you have two union people in the same room -- you've got four separate opinions.

Pat Friend: [laughs] At least.

Host: But, yeah, at least. But unions are a democratic organization. You can stand up at a union meeting. You can stand up and talk to your brothers and sisters and express your views and you're not going to be shouted down. It's not like the health care town hall meetings.

Pat Friend: No. We're a lot different from those health care town hall meetings.

Host: And, you know, at the end of the day, the leadership within the union, within the organization is elected by their peers and, you know, I tell people a lot of times that, you know, if you don't like the way things are going with your union, and unions are a ground-up organization, a democratic organization, you run for office. You become a steward. You work your way up and you talk to people and you make positive, effective changes. And with that said, you know, one other thing that we probably should remind people -- the first thing that goes on at any union meeting, is everybody stands up and says the pledge of allegiance. Unionism is a long valued tradition here in the United States. We help our communities, we help our brothers and sisters at work. We improve the quality of our lives, our families' lives. And we work hard to improve our community and their quality of life.

Pat Friend: Exactly.

Host: And with that said, ma'am I want to thank you very much for coming on the show today. You're always more than welcome. Any of our friends from the AFA-CWA -- if things need to be brought out, you let us know and we'll do what we can to help you.

Pat Friend: We will.

Host: Fantastic. Ladies and gentlemen, you've been listening to International Vice President Patricia Friend of the AFA-CWA. We're going to take a break right now and when we come back we're going to be talking with Ed Gilmartin who is chief counsel for the AFA-CWA about some of the issues that are going on on the legal side of the house.

Anderson: Hi, I'm Gerard Anderson with the Association of Flight Attendants - Communication Workers of America and I listen to The Union Edge Talk Radio at 770 KFB Pittsburgh.

DELTA EXHIBIT B



NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

November 2, 2009

OFFICE OF THE CHAIRMAN
(202) 692-5000

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

The Honorable Michael Enzi
United States Senate
Washington, D.C. 20510

The Honorable Johnny Isakson
United States Senate
Washington, D.C. 20510

The Honorable Orin Hatch
United States Senate
Washington, D.C. 20510

The Honorable Pat Roberts
United States Senate
Washington, D.C. 20510

The Honorable Lamar Alexander
United States Senate
Washington, D.C. 20510

The Honorable Tom Coburn
United States Senate
Washington, D.C. 20510

The Honorable Richard Burr
United States Senate
Washington, D.C. 20510

The Honorable Judd Gregg
United States Senate
Washington, D.C. 20510

Dear Senators:

Thank you for your letter of October 8, 2009 regarding a request from the Transportation Trades Department of the AFL-CIO (TTD) that the National Mediation Board (NMB or Board) alter its voting procedures. I share your concern about the TTD request, and I believe the only proper course of action should have been for the Board to have full comment on the TTD request – together with related issues such as decertification procedures, Excelsior list, and others – before making any proposals. A majority of the Board has chosen instead to propose to change our election rules in the manner requested by the TTD. The proposed rule is available for public inspection today at the Federal Register. I have dissented from this proposal, and the substantive reasons for my disagreement are discussed in my dissent.

In addition to my substantive concerns, I dissented because I believe the process by which the proposed rule was drafted and issued was flawed. The proposal was completed without my input or participation, and I was excluded from any discussions regarding the timing of the proposed rule. As I do not believe the Board should be making this proposal without first hearing comment on all related issues (including decertification), it was not a surprise that I was not included in the initial crafting of the proposed rule. However, I should have, at a minimum, (1) been given drafts along the way for consideration and comment; (2) been included in discussions regarding the timing of the proposal; and (3) been given ample time to review a draft and prepare a dissent if necessary. Instead, on Wednesday, October 28 at 11 am, my colleagues informed me that they had prepared a “final” version of the proposed rule and

intended to send it to the Federal Register that day. They initially told me I had one and a half hours to consider their proposed rule. They also told me that I would not be permitted to publish a dissent in the Federal Register and would have to air any disagreement some other way. Publication of my dissent is not prohibited by any agency policy, and their decision to forbid it in this particular case was arbitrary and ad hoc. After several requests from me, they agreed to give me an additional twenty-four hours – until noon on Thursday, October 29 -- to review and determine my position on the rule. They continued to insist that I would not be permitted to publish my dissent. The next day, an hour and a half before my “deadline,” I informed my colleagues that I intended to dissent and again asked for more time to digest the rule and draft my dissent. My request for more time was rejected. I was then told I would be permitted to publish my dissent, but only if I could have it completed by the noon deadline – an hour and a half from the time of the conversation. The dissent I originally submitted included a discussion of these process flaws as one of the reasons for my dissent. I was told by my colleagues that if I did not remove the discussion of the process flaws from my dissent, they would not consent to its publication in the Federal Register. I have attached to this letter the full dissent I originally submitted.

Under normal circumstances, I would have preferred not to discuss Board process so publicly. However, in light of the complete absence of any principled process or consideration of my role as an equal Member of the Board, I feel compelled to bring these issues to your attention. I am also troubled by my colleagues’ attempt to prevent me from raising these concerns as a part of my published dissent.

This sort of exclusionary behavior is not the way the Board has conducted itself previously during my tenure. In my past experience, Board Members who wished to dissent from a proposed decision have been given a role in the substantive and procedural discussions related to the decision and ample time to prepare their dissent. I believe this is the better way to conduct agency business.

I also query – why the rush to publish the proposed rule? The election rule in question has been in place for 75 years; why not wait one more day in the interest of ensuring a fair rulemaking process and accommodating the reasonable request of a colleague. Such an obvious rush to put out a proposed rule gives the impression that the Board has prejudged this issue, and it will contribute to the growing perception that the majority is attempting to push through a controversial election rule change to influence the outcome of several very large and important representation cases currently pending at the Board.

Thank you for your interest in this matter.

Sincerely

A handwritten signature in cursive script that reads "Elizabeth Dougherty". The signature is written in black ink and is positioned above the printed name.

Elizabeth Dougherty

DELTA EXHIBIT C

Mary L. Johnson, General Counsel
Maria-Kate Dowling, Investigator
November 3, 2009
Page 2

Clearly, the Delta flight attendants deserve better. Having participated in two prior elections where the Company ran vigorous voter suppression campaigns, they finally have the opportunity to decide the question of Union representation based solely on those who affirmatively vote. And the NWA flight attendants can be confident that their 60-year legacy of collective bargaining will not be dependent on those who do not participate in the election process.

In addition, the Union is concerned about the activities of NMB Chairman Elizabeth Dougherty. Chairman Dougherty has politicized the Board election process through her recent public comments mis-characterizing her prior statements and commitments to AFA-CWA. Echoing the complaints of Delta management, she appears intent on compelling the Delta flight attendants into a quick election under the existing un-democratic ballot rules without regard to the resolution of the "hyperlink" issue. Despite the Board's commitment to resolve the hyperlink issue prior to a single carrier determination, Ms. Dougherty is now renegeing on that promise for no discernable reason. Her actions reflect a bias in favor of Delta management that has caused the Delta flight attendants to question her objectivity in carrying out her duties as Chairman.

For these reasons, AFA-CWA hereby withdraws, without prejudice, its July 27, 2009, "Application for Investigation of a Representation Dispute" in the above-captioned case. The Union will re-file its Application as soon as practicable after the Board resolves its proposal to enact an election process that allows participating voters to decide the issue of Union representation.

If you have any questions, please contact me at your earliest convenience.

Sincerely,



Edward J. Gilmartin
AFA-CWA General Counsel

EJG/KTL

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2009, a copy of this Petition of Withdrawal for NMB Case No. CR-6957 was sent via email mail, to the parties below:

Michael H. Campbell
Executive Vice President
Delta Air Line, Inc.
Bldg. A - Dept. 950
1040 Delta Blvd.
Atlanta, GA 30354
Email: mike.campbell@delta.com

Andrea L. Bowman, Esq.
Delta Air Line, Inc.
Dept. 982
1030 Delta Blvd.
Atlanta, GA 30320
Email: andrea.bowman@delta.com

John J. Gallagher, Esq.
Paul, Hastings, Janofsky & Walker, LLP
875 15th Street, N.W.
Washington, DC 20005
Email: jackgallagher@paulhastings.com



Edward J. Gilmartin

DELTA EXHIBIT
D

MINUTES OF SESSION OF THE NATIONAL MEDIATION BOARD

WASHINGTON, D. C.

- - - - -
Regular Meeting
June 7, 1978
- - - - -

The Board met in executive session at 2:00 p.m., Wednesday, June 7, 1978, for the purpose of considering the following agenda published pursuant to NMB Rules Sec. 1209.08.

Present:
Chairman Ives
Member Stowe
Member Harris
Exec. Sec. Quinn
Spe. Asst. Buel

AGENCY HOLDING THE MEETING: National Mediation Board

TIME AND DATE: 2:00 p.m., Wednesday, June 7, 1978

PLACE: Board Hearing Room, 8th Floor, 1425 K Street, N.W., Washington, D.C.

STATUS: Open

MATTERS TO BE CONSIDERED:

- 1) Ratification of Board actions taken by notation voting during the month of May, 1978.
- 2) Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary or Mr. E. B. Meredith, Staff Mediation Director; Tel: (202) 523-5920.

(Date of Notice: May 23, 1978)

AGENCY HOLDING THE MEETING: National Mediation Board

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 43 F.R. 22517

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:00 p.m.;
Wednesday, June 7, 1978.

CHANGES IN THE MEETING: Addition to matters to be considered - Determination that the Board does not have the authority to administratively change the form of the ballot used in NMB representation investigations.

SUPPLEMENTARY INFORMATION: Chairman Ives and Board Members Stowe and Harris have determined by recorded vote that Agency business required this change and that no earlier announcement of such change was possible.

(Date of Notice: June 8, 1978)

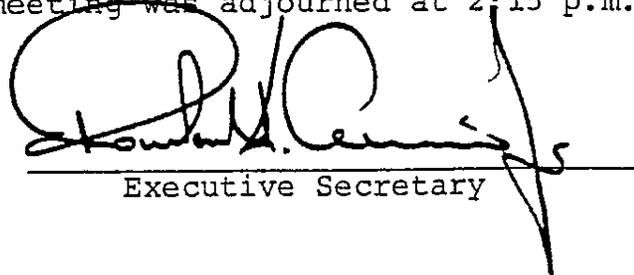
The Board ratified actions taken by notation voting during the month of May, 1978.

Mr. Harris initiated a discussion relative to congressional inquiries in reference to petitions for change in the ballot used in representation disputes. The members expressed the opinion that in light of over 40 years of past practice, it is not appropriate to administratively change its existing rules without some indication from Congress.

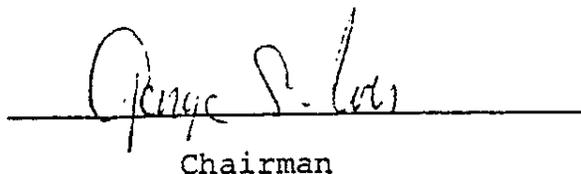
The following motion by Board Member Harris was adopted by unanimous vote:

"In view of the unchanged forty-year history of balloting in elections held under the Railway Labor Act, the Board is of the view that it does not have the authority to administratively change the form of the ballot used in representation disputes. Rather, such a change if appropriate should be made by the Congress. If such legislation were to be introduced, the Board would be willing to appear before appropriate legislative Committees of Congress in order to present its views with respect to such legislation."

There being no further business the meeting was adjourned at 2:15 p.m.


Executive Secretary

APPROVED:


Chairman

Disposition of minutes of previous meetings.
Applications for Federal deposit insurance:

The Cottage Grove Bank, a proposed new bank to be located on Gibbs Street, between Sixth and Seventh Streets, Cottage Grove, Oreg., for Federal deposit insurance.

Mount Hood Security Bank, a proposed new bank to be located at 300 East Powell Boulevard, Gresham, Oreg., for Federal deposit insurance.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,543-NR—United States National Bank, San Diego, Calif.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Miller & Martin, Chattanooga, Tenn., in connection with the liquidation of the Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Memorandum proposing the payment of a third dividend of 12.5 percent on proved claims in connection with the receivership of the First National Bank of Cripple Creek, Cripple Creek, Colo.

Memorandum proposing the payment of a first dividend of 40 percent on proved claims in connection with the receivership of the Peoples Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, V.I.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary,
202-389-4446.

[S-1225-78 Filed 6-9-78; 3:32 pm]

[6714-01]

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:00 a.m., June 16, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

American Bank of Casper, a proposed new bank to be located at the corner of David and First Streets, Casper, Wyo., for Federal deposit insurance.

Application for consent to change a main office location:

Unity Bank & Trust Co., Boston (Roxbury), Mass., for consent to change the location of its main office from 416 Warren Street to 2343 Washington Street, both locations within Boston (Roxbury), Mass.

Applications for consent to establish branches:

Unity Bank & Trust Co., Boston (Roxbury), Mass., for consent to establish branches at 1630 Blue Hill Avenue, Boston (Mattapan), Mass., and at 592 Washington Street, Boston (Dorchester), Mass.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,484-L—First State Bank of Hudson County, Jersey City, N.J.

Case No. 43,542-SR—Surety Bank & Trust Co., Wakefield, Mass.

Case No. 43,544-NR—United States National Bank, San Diego, Calif.

Case No. 43,545-L—State Bank of Clearing, Chicago, Ill.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary,
202-389-4446.

[S-1226-78 Filed 6-9-78; 3:32 pm]

[6820-35]

7

LEGAL SERVICES CORPORATION: COMMITTEE ON APPROPRIATIONS AND AUDIT.

TIME AND DATE: 12:30 p.m., Monday, June 19, 1978.

PLACE: 733 15th Street NW., 7th Floor, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Fiscal year 1978 budget adjustments:
 - a. Allocation of investment income for quality improvement projects.
 - b. Status of "one time" funds and reserve accounts.
 - c. Allocation of funds for rural telephone and travel adjustments.
2. Fiscal year 1979 budget.
3. Reports:
 - a. Cost variation study.
 - b. Budget and planning information system.

c. Assistance to programs to implement financial planning.

CONTACT PERSON FOR MORE INFORMATION:

Ruth Felter, Executive Office, telephone 202-376-5100.

Issued: June 9, 1978.

THOMAS EHRLICH,
President.

[S-1224-78 Filed 6-9-78; 3:32 pm]

[7550-01]

8

NATIONAL MEDIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 22517.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m.; Wednesday, June 7, 1978.

CHANGES IN THE MEETING: Addition to matters to be considered—Determination that the Board does not have the authority to administratively change the form of the ballot used in NMB representation investigations.

SUPPLEMENTARY INFORMATION: Chairman Ives and Board Members Stowe and Harris have determined by recorded vote that Agency business required this change and that no earlier announcement of such change was possible.

Date of Notice: June 8, 1978.

[S-1222-78 Filed 6-9-78; 10:51 am]

[7715-01]

9

POSTAL RATE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, June 14, 1978.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Recommended decisions regarding:

1. MC 76-2. Expand Availability of Red Tag and Institute a Surcharge for Expedited Service. (Closed pursuant to 5 USC 552 b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer,
Postal Rate Commission, Room 500,
2000 L Street NW., Washington,
D.C. 20268, telephone 202-254-5614.

[S-1220-78 Filed 6-9-78; 10:51 am]

DELTA EXHIBIT E



NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

OFFICE OF THE CHAIRMAN
(202)692-5000

October 28, 2009

The Honorable Johnny Isakson
United States Senate
120 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Saxby Chambliss
United States Senate
416 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Bob Corker
United States Senate
185 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable George V. Voinovich
United States Senate
524 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Jim Bunning
United States Senate
316 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Orrin G. Hatch
United States Senate
104 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Robert F. Bennett
United States Senate
431 Dirksen Senate Office Building
Washington, D.C. 20510

Re: NMB File Nos. CR-6957
Delta Airlines, Inc.

Dear Senators:

As you know, you wrote to the National Mediation Board on September 30, 2009 regarding representation applications filed by the Association of Flight Attendants-Communications Workers of America (AFA) and the International Association of Machinists (IAM) covering employees of Delta Airlines. I am writing to correct an error made in our October 20 response to your letter regarding AFA's application (the Delta/AFA case). In our response, we stated that "there are matters requiring further investigation" before we can proceed with the Delta/AFA case and that "[t]hese matters must be resolved before the Board can proceed with elections." When I signed the October 20 letter, I was under the impression that an issue pertaining to whether labor organizations can post hyperlinks to our voting website on their websites (the hyperlink issue) had been raised in a filing specifically made in the Delta/AFA case and thus had to be resolved before we could proceed with that case. That is not correct. There has never been any filing regarding the hyperlink issue made in the Delta/AFA case. In fact, the

hyperlink issue was raised by AFA as a general request for reconsideration submitted to the Board on July 22, 2009 – prior to the filing of its application for representation in the Delta/AFA case. Because the hyperlink issue was raised generally and not filed specifically in the Delta/AFA case, the hyperlink issue is not a “pre-docketing issue” or “matter requiring further investigation” in the Delta/AFA case, and there is no reason to hold up the Delta/AFA case pending resolution of the hyperlink issue. We have been moving forward to process representation applications filed by AFA and other unions at other carriers in spite of the existence of the hyperlink issue, and we must do the same in the Delta/AFA case. There are no other pre-docketing issues pending in the Delta/AFA case that would prevent the Board from immediately proceeding with this case. I have informed my colleagues of this error and asked that we move forward with the Delta/AFA case as expeditiously as possible – particularly given that this application was filed over three months ago.

I apologize to the Senators for the error in our original response. If you have any further questions regarding these issues, I would be happy to discuss them with you.

Sincerely,

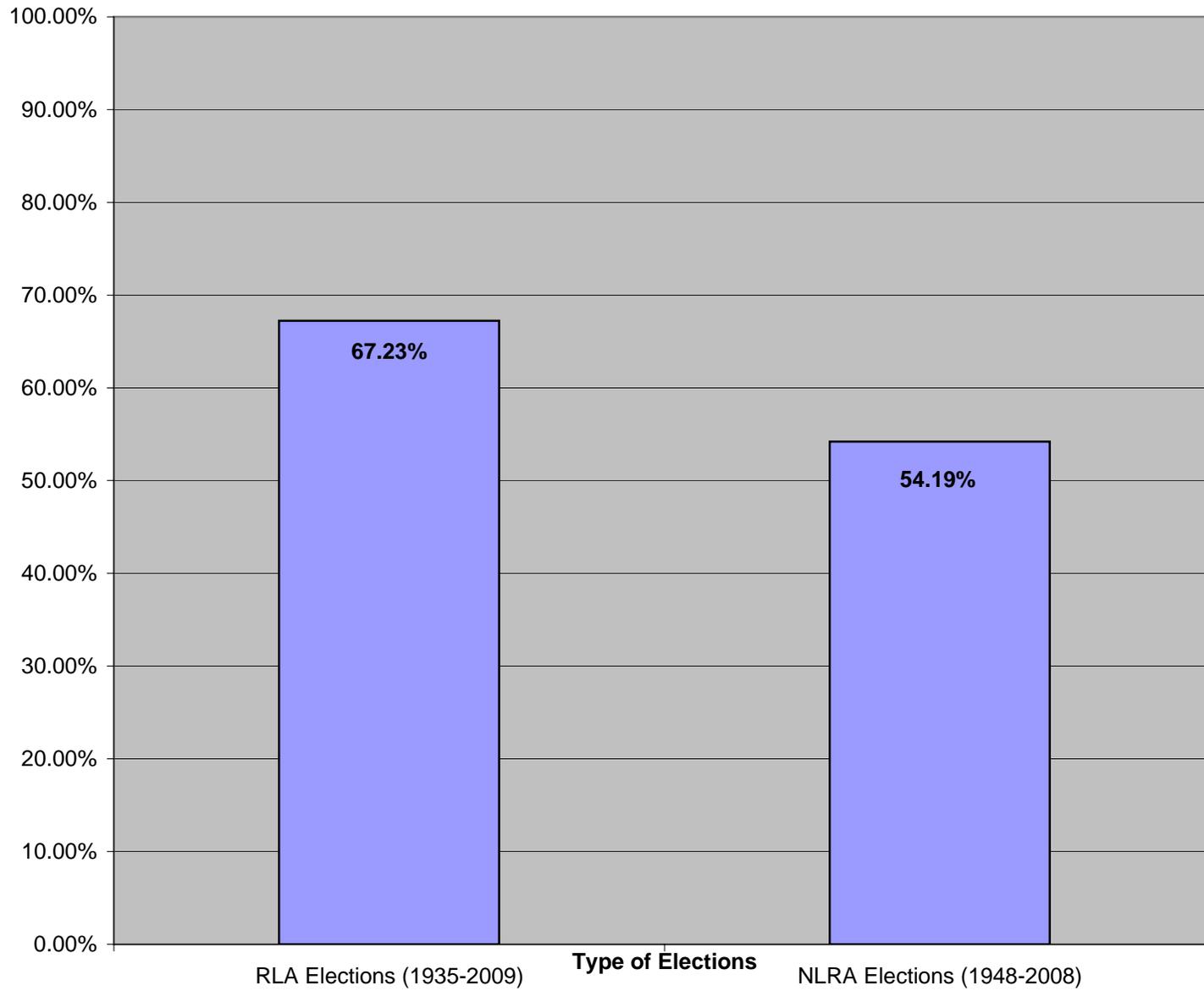
A handwritten signature in cursive script that reads "Elizabeth Dougherty". The signature is written in black ink and is positioned above the printed name and title.

Elizabeth Dougherty
Chairman

DELTA EXHIBIT F

DELTA EXHIBIT F

Comparison of Union Win Rates in RLA and NLRA Elections



***Supporting Data for RLA at Tab 1, Supporting Data for NLRA at Tab 2.**

***Run-off elections and elections with special ballots not included in RLA Elections.**

Railway Labor Act Elections

Year	All Elections	Elections Resulting in Certification	Union Win Rate
2009	33	24	73%
2008	39	25	64%
2007	20	10	50%
2006	27	14	52%
2005	19	13	68%
2004	33	19	58%
2003	30	17	57%
2002	35	21	60%
2001	34	17	50%
2000	59	35	59%
1999	48	34	71%
1998	52	36	69%
1997	66	45	68%
1996	53	34	64%
1995	44	25	57%
1994	56	31	55%
1993	54	41	76%
1992	44	25	57%
1991	41	26	63%
1990	57	35	61%
1989	59	39	67%
1988	62	44	70%
1987	57	42	73%
1986	57	44	77%
1985	56	38	68%
1984	46	30	65%
1983	63	46	73%
1982	56	38	68%
1981	81	52	64%
1980	96	64	67%
1979	69	52	75%
1978	81	57	70%
1977	68	51	75%
1976	49	37	76%
1975	4	1	25%
1974	2	2	100%
1973	8	3	38%
1972	8	7	88%
1971	4	3	75%
1970	9	6	67%
1969	7	5	71%
1968	5	4	80%
1967	7	4	57%
1966	9	7	78%
1965	1	1	100%
1964	2	1	50%
1963	3	3	100%
1960	2	1	50%
1958	4	3	75%

Railway Labor Act Elections

Year	All Elections	Elections Resulting in Certification	Union Win Rate
1957	1	0	0%
1954	2	0	0%
1953	5	2	40%
1952	12	9	75%
1951	8	8	100%
1950	11	11	100%
1949	5	5	100%
1948	7	4	57%
1945	2	2	100%
1943	1	1	100%
1941	2	2	100%
1940	1	1	100%
1938	7	6	86%
1937	8	8	100%
1935	1	1	100%
TOTAL	1892	1272	67.23%

National Labor Relations Act Elections

Year	All Elections	Elections Resulting in Certification	Union Win Rate
2008	1932	1160	60.04%
2007	1905	1045	54.86%
2006	2147	1195	55.66%
2005	2649	1504	56.78%
2004	2719	1447	53.22%
2003	2937	1579	53.76%
2002	3043	1606	52.78%
2001	3076	1591	51.72%
2000	3368	1685	50.03%
1999	3585	1811	50.52%
1998	3795	1856	48.91%
1997	3480	1677	48.19%
1996	3277	1489	45.44%
1995	3399	1611	47.40%
1994	3572	1685	47.17%
1993	3588	1706	47.55%
1992	3599	1673	46.49%
1991	3752	1663	44.32%
1990	4210	1965	46.67%
1989	4413	2059	46.66%
1988	4153	1921	46.26%
1987	4069	1789	43.97%
1986	4520	1951	43.16%
1985	4614	1956	42.39%
1984	4436	1861	41.95%
1983	4405	1895	43.02%
1982	5116	2064	40.34%
1981	7512	3234	43.05%
1980	8198	3744	45.67%
1979	8043	3623	45.05%
1978	8240	3791	46.01%
1977	9484	4363	46.00%
1976	8638	4159	48.15%
1975	8577	4138	48.25%
1974	8858	4425	49.95%
1973	9369	4786	51.08%
1972	8923	4787	53.65%
1971	8362	4445	53.16%
1970	8074	4458	55.21%
1969	7993	4367	54.64%
1968	7618	4412	57.92%
1967	7882	4722	59.91%
1966	8103	4995	61.64%
1965	7576	4608	60.82%
1964	7309	4229	57.86%
1963	6871	4052	58.97%
1962	7355	4305	58.53%
1961	6354	3563	56.07%
1960	6380	3740	58.62%

Note: Source is NLRB Annual Reports, 1948-2008. NLRB Annual Reports prior to 1948 are inconsistent in the manner in which they report election results.

National Labor Relations Act Elections

Year	All Elections	Elections Resulting in Certification	Union Win Rate
1959	5660	3484	61.55%
1958	4490	2695	60.02%
1957	4874	2988	61.30%
1956	5075	3270	64.43%
1955	4372	2904	66.42%
1954	4813	3108	64.58%
1953	6191	4394	70.97%
1952	6866	4960	72.24%
1951	6432	4758	73.97%
1950	5619	4186	74.50%
1949	5646	3939	69.77%
1948	3319	2372	71.47%
TOTAL	334835	181448	54.19%

Note: Source is NLRB Annual Reports, 1948-2008. NLRB Annual Reports prior to 1948 are inconsistent in the manner in which they report election results.

RLA Election Results

YEAR	NMB	Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1935	1		101	Norfolk & Western RR	BRT; ORC	Road Conductors	Y
1937	1		12	Atlantic Coast Line RR	Railway Employees' Dept.; Shopmen's Association; Other	Blacksmiths	Y
1937	1		12	Atlantic Coast Line RR	Railway Employees' Dept.; Shopmen's Association; Other	Boilermakers	Y
1937	1		12	Atlantic Coast Line RR	Railway Employees' Dept.; Shopmen's Association; Other	Carmen	Y
1937	1		12	Atlantic Coast Line RR	Railway Employees' Dept.; Shopmen's Association; Other	Electrical Workers	Y
1937	1		12	Atlantic Coast Line RR	Railway Employees' Dept.; Shopmen's Association; Other	Machinists et al.	Y
1937	1		12	Atlantic Coast Line RR	Railway Employees' Dept.; Shopmen's Association; Other	Powerhouse Employees	Y
1937	1		12	Atlantic Coast Line RR	Shopmen's Association; Other	Sheet Metal Workers	Y
1937	1		16	NY Central RR	BRT; DCEU	Dining Car Stewards	Y
1938	1		115	Pittsburgh & Lake Erie RR	BRT; ORC	Yard Conductors	N
1938	1		115	Pittsburgh & Lake Erie RR	BRT; ORC	Road Brakemen-Flagmen	Y
1938	1		115	Pittsburgh & Lake Erie RR	BRT; ORC	Road Conductors	Y
1938	1		115	Pittsburgh & Lake Erie RR	BRT; ORC	Switchtenders	Y
1938	1		115	Pittsburgh & Lake Erie RR	BRT; ORC	Ticket Collectors	Y
1938	1		115	Pittsburgh & Lake Erie RR	BRT; ORC	Train Baggage-men	Y
1938	1		115	Pittsburgh & Lake Erie RR	BRT; ORC	Yard Brakemen	Y
1940	1		163	Charleston & W. Carolina RR	BLFE; BLE IBFOHRRSL; Powerhouse Employees in the Mechanical Department; NFRW	Locomotive Firemen et al.	Y
1941	1		195	Texas & Pacific Railway Co.	Department; NFRW	Powerhouse Employees et al.	Y
1941	1		211	Boston & Maine RR	BMWE	Crossing Tenders	Y
1943	1		274	Galveston Wharves	NCRPU	Patrolmen	Y
1945	1		323	Union RR	BLFE; BLE; Other	Locomotive Engineers	Y
1945	1		323	Union RR	BLFE; BLE; Other	Locomotive Firemen et al.	Y
1948	1		454	Pan American Airways	Radio Officers' Union BRSC; Airline Mechanics Dept.;	Radio Operators et al.	N
1948	2		1	Chicago & Southern Air Lines	Other	Clerical	N
1948	2		16	Northwest Airlines	ALSSA	Flight Attendants	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1948	2	17	American Airlines	ALCEA; ACA; Other	Radio Operators et al.	Y
1948	2	100	Chesapeake & Ohio Railway Co.	Railroad Yardmasters of America	Yardmasters	Y
1948	2	101	Lakefront Dock & RR Terminal Co.	ARSA	Mechanical Dept. Foremen	Y
1949	2	42	United Airlines	ALCEA; IAM; Other	Radio Operators et al.	Y
1949	2	117	Pullman Co.	ARSA; Other	Mechanical Dept. Foremen	Y
1949	2	119	Sacramento Northern Railway	Switchmen's Union; BRT	Road Brakemen	Y
1949	2	155	International-Great Northern RR	ARMWS	Subordinate Officials in MoW	Y
1949	2	171	Denver & Rio Grande RR	ORC; BRT	Road Conductors	Y
1950	2	113	Union Pacific RR	Idaho State Fed. Of Labor; Railway Employees Dept.; Other	Automotive Mechanics	Y
1950	2	113	Union Pacific RR	Idaho State Fed. Of Labor; Railway Employees Dept.; Other	Carpenters et al.	Y
1950	2	113	Union Pacific RR	Idaho State Fed. Of Labor; Railway Employees Dept.; Other	Maintenance & Engineering	Y
1950	2	113	Union Pacific RR	Idaho State Fed. Of Labor; Railway Employees Dept.; Other	Maintenance Mechanics	Y
1950	2	113	Union Pacific RR	Idaho State Fed. Of Labor; Railway Employees Dept.; Other	Powerhouse Employees	Y
1950	2	174	Tenn., Ala. & Ga. Railway Co.	ATDA; ORT	Train Dispatchers	Y
1950	2	176	Florida East Coast	ARSA; Railway Employees Dept.	Mechanical Foremen and/or Supervisors of Mechanics	Y
1950	2	178	Chicago, South Shore & South Bend RR	Brotherhood of Railway & Steamship Clerks et al.; Chicago, South Shore & South Bend RR Employees' Org.	Clerical et al.	Y
1950	2	180	Central of Georgia Railway Co.	ARSA	Mechanical Foremen and/or Supervisors of Mechanics	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
				Illinois Central System		
1950	2	182	Illinois Central Railroad	Yardmasters Ass'n; RYA; BRT	General Yardmasters et al.	Y
1950	2	184	Chesapeake & Ohio Railway Co.	RYNA; RYA; Other	Yardmasters	Y
1951	2	68	Aircraft Eng. & Maintenance Co.	IAM; Other	Airline Mechanics	Y
1951	2	68	Aircraft Eng. & Maintenance Co.	IAM; Other	Stores	Y
				IAM; Trans-Pacific Airlines		
1951	2	70	Trans-Pacific Airlines	Clerical Employees Ass'n	Clerical et al.	Y
1951	2	190	Northern Pacific Terminal Co.	RPIU; ABRP; BRP&SA	Patrolmen	Y
					Mechanical Dept. Foremen et al.	
1951	2	192	NY, Chicago & St. Louis RR	ARSA; Railway Employees Dept.		Y
1951	2	194	Mississippi Central RR	BLE; BLFE	Locomotive Firemen et al.	Y
1951	2	197	Atlantic Coast Line RR	RYNA, RYA	Yardmasters	Y
1951	2	202	Erie RR	RYA; RYNA; BRT	Yardmasters	Y
1952	2	77	All American Airways	IAM; Other	Clerical	N
			Richmond, Fredericksburg & Potomac RR			
1952	2	210	Potomac RR	RYA; RYNA	Yardmasters	Y
					Licensed Engineerroom	
1952	2	216	Erie RR	URWA; RMW	Personnel	Y
					Unlicensed Engineerroom	
1952	2	216	Erie RR	URWA; RMW	Personnel	Y
1952	2	218	Atlanta Terminal Co.	BRSC; RYA	Stationmasters	Y
1952	2	221	NY Central System	ARSA; Other	Mechanical Foremen in MoW	Y
1952	2	221	NY Central System	ARSA; Other	Subordinate Officials in MoW	Y
1952	2	224	Texas City Terminal Railway Co.	Associated Guards	Terminal & Dock Guards	N
1952	2	232	Southern Pacific Co.	RYA; RYNA; Other	Yardmasters	Y
				Texas & Pacific Ry. Supervisors Association		
1952	2	234	Texas & Pacific Railway Co.	Association	Subordinate Officials in MoW	Y
1952	2	236	Savannah Union Station Co.	RYNA	Stationmasters	Y
1953	2	57	Northwest Airlines	IAM	Coordination, Planning et al.	Y
				Railway Employees Dept.; ARSA;		
1953	2	230	Erie RR	Other	Mechanical Dept. Foremen	N
1953	2	238	Kansas City Terminal Co.	BRSA; ARSA	Signal Department	Y
1954	3	47	Ozark Air Lines	ALAA; Other	Clerical et al.	N
1954	3	168	Minneapolis & St. Louis Railway	BLE; BLFE	Locomotive Engineers	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB	Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1957	3		74	Chicago Helicopter Airways	TWA; Other	Clerical et al.	N
1958	3		76	Pan American World Airways	ASTU; IAM; Other	Stock Clerks	Y
1958	3		81	Thaddeus Johnson Porter Serv.	BRSC; Other	Clerical et al.	Y
1958	3		213	Interstate RR	IBFOHRRSL UROC; East Jersey Employees	Firemen and Oilers	N
1958	3		214	East Jersey RR & Terminal Co.	Ass'n; Other	Yardmen	Y
1960	3		86	Cordova Airlines	IAM; Other	Airline Mechanics	N
1960	3		220	Delaware, Lackawanna & Western RR	UMW; BMW; Other	Marine Coal Dumper Employees	Y
1963	4		219	NY, New Haven & Hartford RR	Joint Council of Dining Car Employees, Hotel & Restaurant Employees & Bartenders	Dining Car Employees	Y
1963	4		221	Southern Pacific Co.	Joint Council of Dining Car Employees, Hotel & Restaurant Employees & Bartenders	Dining Car Employees	Y
1963	4		223	Long Island RR	ARSA; Brotherhood of Supervision, L.I.R.R.	Mechanical Department Foremen et al.	Y
1964	4		225	Canton RR	BRSC	Clerical et al.	N
1964	4		233	Duluth, Winnipeg & Pacific Ry.	BMW IBT; BRCA; Harold Pryor,	Extra Gang Laborers	Y
1965	4		274	Long Island RR	Individual	Carmen	Y
1966	4		100	Lake Central Airlines	IAM; ALEA	Fleet & Passenger Service	Y
1966	4		102	British Overseas Airways	CWA; Other	Teletype Operators	Y
1966	4		105	Alaska Coastal-Ellis Airlines	IAM; Alaska Coastal Airlines Mechanics Ass'n; Other	Airline Mechanics et al.	Y
1966	4		105	Alaska Coastal-Ellis Airlines	IAM; Alaska Coastal Airlines Mechanics Ass'n; Other	Flight Attendants	Y
1966	4		105	Alaska Coastal-Ellis Airlines	IAM; Alaska Coastal Airlines Mechanics Ass'n; Other	Stock & Stores	Y
1966	4		107	Japan Air Lines	IAM; ALDA	Flight Dispatchers	N
1966	4		107	Japan Air Lines	IAM; BRSC	Radio & Teletype Operators	Y
1966	4		109	Saturn Airways	IBT	Flight Navigators	Y
1967	4		120	Universal Airlines	IBT; ALPA	Pilots & Copilots	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1967	4	122	Reeve Aleutian Airways	ALPA; Other	Flight Officers	Y
1967	4	165	Western Air Lines	IBT; AMFA; Other	Mechanics & Related	Y
			Texas Pacific-Missouri Pacific	Albert J. McLendon, Individual;		
1967	4	302	Terminal RR	RPIU	Patrolmen	Y
1967	4	303	Sacramento Northern Railway	Switchmen's Union	Yardmasters	Y
1967	5	38	Pan American World Airways	IBT; Other	Clerical et al. Pilots, Co-Pilots & Flight	N
1968	4	167	Universal Airlines	AFCG; ALPA	Engineers	Y
1968	5	81	Air West	IAM; AMFA; IBT	Airline Mechanics et al.	Y
1968	5	83	Air West	IAM; IBT	Stock & Stores	Y
				Hotel & Restaurant Employees &		
1968	5	280	Seaboard Coast Line RR	Bartenders; BSCP	Chair Car Attendants	Y
1969	5	78	Avianca	IBT	Clerical et al.	Y
1969	5	109	Los Angeles Airways	IAM; IBT	Clerical et al.	Y
1969	5	124	Mohawk Airlines	IAM; ALEA	Fleet & Passenger Service	N
1969	5	128	East Side Airlines Terminal Corp.	IBT; Other	Baggagemen et al.	Y
1969	5	134	East Side Airlines Terminal Corp.	IBT; Committee of Skycaps	Skycaps & Starters Hotel and Restaurant	Y
				Hotel & Restaurant Employees &	Employees at Wishram	
1969	5	282	Spokane, Portland & Seattle Ry.	Bartenders	Lunchroom & Hotel	Y
1970	5	126	Piedmont Airlines	IAM; Other	Mechanics & Related	N
1970	5	260	Alabama State Docks	BFO; ILA	Warehousemen et al.	Y
1970	5	286	Houston Belt & Terminal Ry.	UTU; BLE	Locomotive Engineers	Y
1970	5	286	Houston Belt & Terminal Ry.	UTU; BLE	Locomotive Firemen et al.	Y
1970	5	288	North Carolina States Port Auth.	ILA	Dock & Warehousemen	Y
1970	5	288	North Carolina States Port Auth.	ILA	Security Guards (Police)	Y
1970	5	290	Longview, Portland & Northern Ry.	UTU; BLE	Locomotive Firemen et al.	N
1970	5	290	Longview, Portland & Northern Ry.	UTU; BLE	Locomotive Engineers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1971	5	136	Northwest Airlines	Northwest Airlines Foremen Association; Other	Instructors et al. Asst. Chief Train Dispatchers et al.	Y
1971	5	292	Penn Central Transportation Co. Texas Pacific-Missouri Pacific	ATDA; UTD&MDUA Floyd DeLoach, Individual;		Y
1971	5	296	Terminal RR Richmond, Fredericksburg &	Railway Employees Dept.	Mechanical Car-Foremen	N
1971	5	305	Potomac RR	BLE	Locomotive Firemen et al.	Y
1972	5	152	Continental Airlines	TWU; Other	Flight Superintendants	Y
1972	5	154	Buck's Airport Services	IBT; BRAC	Clerical et al.	Y
1972	5	165	Northwest Airlines	IAM	Flight Kitchen Personnel	Y
1972	5	167	Aeromexico	IBT; IAM	Clerical et al.	Y
1972	5	167	Aeromexico	IBT; IAM	Sales Representatives	Y
1972	5	167	Aeromexico	IBT; IAM	Teletype Operators	Y
1972	5	320	Chesapeake & Ohio Railway Co.	BRAC; Other	Patrolmen	Y
1972	5	326	DeQueen & Eastern RR	BMWE	Maintenance of Way	N
1973	5	176	Eastern Air Lines	ALEA; IBT; Other	Ground School Instructors	Y
1973	5	193	American Airlines	PAIA; Other	Professional Airline Instructors	N
1973	5	198	McCulloch International Airlines	IBT; Other	Flight Attendants	N
1973	5	198	McCulloch International Airlines	IBT; Other	Flight Deck Crew Members	N
1973	5	199	Lanica Airlines	IAM	Aircraft Mechanics et al.	N
1973	5	199	Lanica Airlines	IAM	Clerical et al.	N
1973	5	322	Long Island RR	ARSA	Power Directors & Load Dispatchers Signal & Communications	Y
1973	5	324	Atlantic & East Carolina Ry.	BRS	Maintainers	Y
1974	5	205	Brainiff	IAM	Maintenance Technicians	Y
1974	5	218	Brainiff	IBT; IAM	Fitter et al.	Y
1975	5	233	Seaboard World Airlines	TWU	Clerical	N
1975	5	244	Hawaiian	IAM	Secretary/Programmer	N
1975	5	246	Brainiff	IAM	Technical Specialists	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1975	5	341	Penn Central Transportation Co.	ARSA	Maintenance Supervisors in the Electric Traction Dept.	Y
1976	5	248	American Airlines	TWU	Flight Simulator Technicians et al.	N
1976	5	253	Florida Airlines	IBT; UPA	Pilots & Copilots	Y
1976	5	258	Pan American World Airways	TWU	Medical & Environmental Technicians	Y
1976	6	1	China Airlines	IAM	Clerical et al.	N
1976	6	4	Auto-Train Corp.	IAM	Carmen	Y
1976	6	6	Auto-Train Corp.	IAM	Electrical Workers	Y
1976	6	8	Auto-Train Corp.	IAM	Machinists et al.	Y
1976	6	10	Auto-Train Corp.	IAM	Sheet Metal Workers	Y
1976	6	12	Auto-Train Corp.	IAM	Maintenance of Way	Y
1976	6	14	Auto-Train Corp.	IAM; Other	Locomotive Engineers	Y
1976	6	18	Consolidated Rail Corp.	BRAC; IBT; Other	Police Officers	Y
1976	6	23	Wien Air Alaska	IBT; IAM; Other	Clerical et al.	Y
1976	6	25	Wien Air Alaska	IBT; IAM; Other	Dispatchers	Y
1976	6	27	Auto-Train Corp.	UTU; BLE	On Board Hosts et al.	Y
1976	6	29	Provincetown-Boston Airline	UPA	Pilots & Copilots	N
1976	6	33	Camas Prairie RR	RYA	Yardmasters	Y
1976	6	35	Florida East Coast Inspections	BRAC, Federated Employees Council	Automobile Unloaders	Y
1976	6	37	National Airlines	TWU; AFA; ALPA	Flight Attendants	Y
1976	6	39	Galveston Wharves	BRAC; ILA	Clerical et al.	Y
1976	6	41	Aero Peru	IAM	Sales Representatives	Y
1976	6	43	Aero Peru	IAM	Mechanics & Related	Y
1976	6	47	Youngstown & Northern RR	Frank P. Davis, Individual; BRC	Carmen	Y
1976	6	49	Texas International Airlines	IAM; ALEA; Texas International Employees Association; IBT	Clerical et al.	Y
1976	6	51	Trans Mediterranean Airways	IBT	Clerical et al.	Y
1976	6	53	American Airlines	AACWA; TWA; IBT; APA; Sylvester Lawrence	Clerical et al.	N
1976	6	55	Pittsburgh & Lake Erie RR	RYA	Patrolmen	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1976	6	58	Bar Harbor Airlines	IAM	Mechanics & Related	Y
1976	6	59	Oregon, California & Eastern Ry.	UTU; BLE	Locomotive Engineers	Y
1976	6	61	Suburban Airlines	UAAAIW	Mechanics & Related	Y
1976	6	67	Suburban Airlines	UAAAIW	Stock Clerks	Y
1976	6	69	Texas Mexican Ry.	BRS	Signalmen	N
1976	6	70	Air Panama	IAM	Clerical et al.	Y
1976	6	72	Air Panama	IAM	Maintenance Representatives	N
1976	6	73	Key Airlines	BRAC	Clerical et al.	Y
1976	6	75	Vieques Air Link	IBT	Mechanics & Related	N
1976	6	76	Vieques Air Link	IBT	Pilots	Y
1976	6	78	Vieques Air Link	IBT	Clerical et al.	N
1976	6	80	Britt Airlines	IBT; Other	Pilots & Copilots	N
1976	6	82	Midstate Airlines	IAM	Pilots	Y
1976	6	84	Air Micronesia	IBT; IAM	Mechanics & Related	Y
1976	6	86	Air Micronesia	IBT; IAM	Stock Clerks	Y
1976	6	88	Continental Airlines	UFA; ALPA; Other	Flight Attendants	Y
1976	6	91	AAT Airlines	IBT	Pilots	N
1976	6	92	Auto-Train Corp.	BRAC	Clerical et al.	Y
				Federated Employees Council;		
1976	6	94	Florida East Coast	Other	Locomotive Engineers	N
1976	6	95	Georgia Ports Authority	ILA	Marine Dock, Warehouse Emplc	N
1976	6	97	Viking International Airlinse	IBT	Mechanics & Related	Y
1976	6	103	Pilgrim Aviation	IBT	Pilots & Copilots	Y
				Frederick D. Wasser, Individual;		
1977	6	108	Bessemer & Lake Erie RR	BRAC	Police Officers	Y
1977	6	110	Chicago Short Line Ry.	BRAC	Carmen	N
1977	6	113	Trans International Airlines	IAM	Stock Clerks	N
1977	6	115	Command Airways	IBT	Clerical et al.	N
1977	6	116	Command Airways	IBT	Mechanics & Related	Y
1977	6	118	Trans International Airlines	ALPA; Other	Pilots	Y
1977	6	120	Command Airways	IBT; Other	Pilots	Y
1977	6	124	Altair Airlines	IAM	Clerical et al.	N
1977	6	125	AMTRAK	RYA; BRAC	Stationmasters	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB	Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1977	6	127	Florida East Coast	Federated Employees Council; Other	Locomotive Engineers	Y	
1977	6	129	Florida East Coast	Federated Employees Council; Other	Road Conductors	Y	
1977	6	131	Florida East Coast	Federated Employees Council; BRAC; Other	Yardmen	Y	
1977	6	133	Florida East Coast	Federated Employees Council; Other	Road Brakemen	N	
1977	6	145	Alaska Aeronautical Industries	UPA	Pilots	Y	
1977	6	146	Pilgrim Aviation	IBT	Clerical et al.	N	
1977	6	147	Mississippi Valley Airlines	IAM	Pilots	Y	
1977	6	148	Wien Air Alaska	IBT; AFA	Flight Attendants	Y	
1977	6	151	Air Canada	IBT; IAM; Other	Clerical et al.	N	
1977	6	154	Reeve Aleutian Airways	IBT	Mechanics & Related	N	
1977	6	155	Reeve Aleutian Airways	IBT	Clerical et al.	N	
1977	6	156	Reeve Aleutian Airways	IBT	Flight Attendants	Y	
1977	6	158	Reeve Aleutian Airways	IBT	Stock Clerks	Y	
1977	6	160	Reeve Aleutian Airways	IBT	Dispatchers	Y	
1977	6	162	Reeve Aleutian Airways	IBT	Flight Kitchen Employees	Y	
1977	6	164	Stockton Terminal & Eastern RR	IAM	Machinists	Y	
1977	6	166	Hawaiian	TWU; Negotiating Committee for Dispatchers	Flight Dispatchers	Y	
1977	6	189	Trans World Airlines	IFFA; TWU	Flight Attendants	Y	
1977	6	198	Merrimack Aviation	SEIU	Pilots	N	
1977	6	199	Florida East Coast	Federated Employees Council; BRAC	Clerical et al.	Y	
1977	6	201	Florida East Coast	Federated Employees Council; Railway Employees' Dept.; IAM	Maintenance of Equipment Roadway Shop Employees	Y	
1977	6	203	Avianca	IBT	Sales Representatives	Y	
1977	6	205	Florida East Coast	Federated Employees Council; BMW	Maintenance of Way	N	
1977	6	207	Colgan	UPA	Pilots	N	
1977	6	208	Caribbean Air Services	IBT	Pilots	Y	
1977	6	210	United Airlines	AMFA; IAM; Other	Mechanics & Related	Y	
1977	6	212	Alaska International Air	IBT	Flight Deck Crew Members	Y	

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1977	6	214	American Airlines Chicago, Milwaukee, St. Paul &	APFA; TWU; Other ARSA; Milwaukee Road	Flight Attendants	Y
1977	6	225	Pacific RR	Supervisors Ass'n	Equipment Supervisors	Y
1977	6	227	United Airlines	ALEA	Passenger Service	N
1977	6	228	Hughes Airwest	UFA; AFA Unaffiliated Organization of	Flight Attendants	Y
1977	6	231	Cedar Rapids & Iowa City Ry.	Dispatchers & Clerks Unaffiliated Organization of	Clerical et al.	Y
1977	6	233	Cedar Rapids & Iowa City Ry.	Dispatchers & Clerks	Dispatchers	Y
1977	6	236	Aliquippa & Southern RR	BLE; UTU	Locomotive Engineers	Y
1977	6	238	Air France	IAM; Gerard G. Priolet, Individual	Dispatchers	Y
1977	6	241	East Camden & Highland RR	IAM; Other	Engineers	Y
1977	6	243	East Camden & Highland RR	IAM; Other	Conductors	Y
1977	6	245	East Camden & Highland RR	IAM; Other	Brakemen	Y
1977	6	247	British West Indian Airways	IAM Federated Employees Council;	Clerical et al.	Y
1977	6	250	Florida East Coast	IAM	Machinists	Y
1977	6	252	United Airlines	IAM	Meteorologists	Y
1977	6	257	Aliquippa & Southern RR	BLE; UTU	Locomotive Firemen	Y
1977	6	261	Aspen Airways	UPA; Apsen Pilots Ass'n	Pilots & Copilots	Y
1977	6	267	SAHSA Honduras Airlines	IAM Federated Employees Council;	Clerical et al.	N
1977	6	270	Florida East Coast	IBBB UPA; Northern Professional	Boilermakers	Y
1977	6	283	Air Wisconsin	Pilots Ass'n	Pilots	Y
1977	6	288	Pan American World Airways	IUFA; TWU; Other Amtrak Police Ass'n; PBA, L.I.R.R.; Joint Council of RR	Flight Attendants	Y
1977	6	290	AMTRAK	Police; Other	Police Officers	Y
1977	6	293	Toledo Terminal RR	BLE	Locomotive Firemen et al.	Y
1977	6	298	Swift-Aire Lines	UPA Federated Employees Council;	Pilots	Y
1977	6	300	Florida East Coast	BRSC	Carmen	Y
1977	6	324	British Airways	IAM	Teletype Operators et al.	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1977	6	328	Columbia Pacific Airlines	UPA	Pilots	N
1977	6	329	Hawaiian	IAM	Sales Representatives Simulator Programmer/Maintenance	Y
1977	6	331	Allegheny Airlines	IAM	Technician	N
1977	6	351	Aspen Airways	BRAC	Flight Attendants	Y
1977	6	353	St. Louis Southwestern Ry.	BLE; UTU	Locomotive Firemen et al.	Y
1977	6	355	Akron & Barberton Belt RR	BRAC	Clerical et al.	Y
				IAM; Air New England Mechanics		
1977	6	357	Air New England	Ass'n	Mechanics & Related	Y
1977	6	366	Air Canada	IBT; Other	Clerical et al.	N
1978	6	369	Texas Mexican Ry.	BRS	Signalmen	Y
1978	6	374	Crown Airways	UPA	Pilots	Y
1978	6	380	Maryland & Pennsylvania RR	Richard L. Wise	Conductors	Y
1978	6	381	Maryland & Pennsylvania RR	Richard L. Wise	Brakemen	Y
1978	6	382	Maryland & Pennsylvania RR Chicago, Milwaukee, St. Paul &	Richard L. Wise	Locomotive Engineers	Y
1978	6	391	Pacific RR	ARSA; Other	Police Officers	Y
1978	6	398	Aer Lingus	IAM	Fleet & Passenger Service Subordinate Maintenance of	Y
1978	6	404	AMTRAK	ARSA; Other	Way Officials	Y
1978	6	406	Louisiana & Northwest RR	BLE	Locomotive Engineers	Y
1978	6	408	Louisiana & Northwest RR	BLE	Locomotive Firemen	Y
1978	6	413	Hawaiian	IAM	Computer Programmers	Y
1978	6	453	Rocky Mountain Airways	IBT; RMAPA	Pilots	Y
1978	6	456	Lamoille Valley RR	BRC	Carmen et al.	Y
1978	6	458	Johnstown & Stony Creek RR	Steelworkers	Locomotive Engineers	N
1978	6	459	Johnstown & Stony Creek RR	Steelworkers	Locomotive Firemen	Y
1978	6	460	Johnstown & Stony Creek RR	Steelworkers	Yard Foremen & Helpers	Y
1978	6	461	Johnstown & Stony Creek RR	Steelworkers	Maintenance of Way	Y
1978	6	463	Johnstown & Stony Creek RR	Steelworkers	Carmen Mechanical Department	Y
1978	6	471	Detroit, Toledo & Ironton RR	BRC; Other	Foremen et al.	Y
1978	6	475	Florida East Coast	Federated Employees Council	Maintenance of Way	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1978	6	484	Altair Airlines	IAM	Fleet & Passenger Service	Y
1978	6	494	Columbus & Greenville Ry.	BRC	Carmen et al.	Y
1978	6	496	Columbus & Greenville Ry.	BRC	Electricians	N
1978	6	497	Columbus & Greenville Ry.	BRC	Machinists	N
1978	6	498	Tan Airlines	IAM	Clerical	Y
1978	6	498	Tan Airlines	IAM	Customer Service	Y
1978	6	500	International In-Flight Catering Co.	IBT; Other	Commissary/Catering	N
1978	6	501	Missouri Pacific RR	ARSA; Other	Mechanical Dept. Supervisors	Y
1978	6	508	St. John's River Terminal Co.	UTU; BLE	Locomotive Engineers	Y
1978	6	510	AAT Airlines	UPA	Pilots	Y
1978	6	511	St. Louis Southwestern Ry.	BRAC	Police Officers	Y
1978	6	524	Air Illinois	IAM	Mechanics & Related	Y
1978	6	536	United Airlines	IAM; Other	Fleet Service	Y
1978	6	539	China Airlines	IAM	Customer Service	N
1978	6	542	Allegheny Airlines	ALEA; Other	Passenger Service	N
1978	6	542	Allegheny Airlines	ALEA; Other	Fleet Service	Y
1978	6	544	Aer Lingus	IAM	Clerical	N
1978	6	546	Illinois Central Gulf RR	ICTDA; ATDA	Train Dispatchers	Y
1978	6	548	United Airlines	IAM; Other	Stock Clerks	Y
1978	6	568	Royal Hawaiian Air Service	IAM; Other	Fleet & Passenger Service	N
1978	6	574	Air New England	ANEAFA; SEIU; Other	Flight Attendants	Y
1978	6	575	Air New England	IAM; Other	Stock Clerks	Y
1978	6	578	Aspen Airways	IBT	Dispatchers	Y
1978	6	579	Aspen Airways	IBT; AAMA	Mechanics & Related	Y
1978	6	581	Southern Jersey Airways	UPA	Pilots	Y
1978	6	582	Air New England	TWU	Dispatchers	Y
1978	6	583	Allegheny Airlines	IAM	Planners/Schedulers	N
1978	6	583	Allegheny Airlines	IAM	Technical Specialists	N
1978	6	585	Western Air Lines	IBT	Instructors	Y
1978	6	590	Columbia Pacific Airlines	Retail Clerks	Clerical	N
1978	6	595	Lanica Airlines	IAM	Clerical et al.	Y
1978	6	597	Great Northern Airlines	Laborers	Fleet Service	N
1978	6	598	Canadian Pacific Airlines	BRAC	Mechanics & Related	Y
1978	6	607	World Airways	BRAC; IBT	Customer Service	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1978	6	618	Air North	UPA; IBT; ANPA	Pilots	Y
1978	6	619	Great Northern Airlines	IBT	Pilots	N
1978	6	620	Royale Airlines	UPA	Pilots	Y
				Will Kilgore and/or Leslie Short;		
1978	6	621	Rio Airways	UPA	Pilots	Y
1978	6	622	Florida East Coast	FFRE; BRS; IBT	Signalmen	Y
1978	6	625	Aeromech	UPA	Pilots	Y
1978	6	628	Southern Airways	AMFA; IAM	Mechanics & Related	Y
1978	6	633	North Central Airlines	IAM	Equipment Service Engineers	N
1978	6	636	St. Louis RR	IBT	Conductors	N
1978	6	637	St. Louis RR	IBT	Foremen	N
1978	6	638	St. Louis RR	IBT	Locomotive Engineers	N
1978	6	640	Steelton & Highspire RR	RYA	Yardmasters	Y
1978	6	643	Indiana Harbor Belt RR	PBA, L.I.R.R.; BRAC	Police Officers	Y
1978	6	645	Nigeria Airways	IBT	Clerical	N
1978	6	645	Nigeria Airways	IBT	Fleet & Passenger Service	N
1978	6	646	Florida East Coast	FFRE; IBT; UTU	Yardmen	N
1978	6	647	Seaboard World Airlines	ILA; IBT; TWU	Clerical	N
1978	6	648	Elgin, Joliet & Eastern Ry.	PBA, L.I.R.R.; BRAC	Police Officers	Y
1978	6	650	Chicago & Western Indiana RR	PBA, L.I.R.R.; BRAC	Police Officers	Y
1978	6	652	Brainiff	IAM	Instructors	Y
1978	6	654	Manufacturers Ry.	BRAC	Clerical et al.	N
1978	6	655	Genesee & Wyoming RR	Steelworkers	Carmen	N
1978	6	656	Columbus & Greenville Ry.	UTU	Conductors	Y
1978	6	658	Columbus & Greenville Ry.	UTU	Yardmen	Y
1978	6	660	Columbus & Greenville Ry.	UTU	Locomotive Engineers	Y
1978	6	685	Pittsburgh & Lake Erie RR	D.W. LaPorte, Individual; ARSA	Technical Engineers et al. Supervisors/Foremen in Maintenance of Equipment	Y
1978	6	688	Consolidated Rail Corp.	ARSA; FSCS; Other	Dept.	Y
1979	6	695	Louisville & Nashville RR	PBA, L.I.R.R.; BRAC; ARSA	Police Officers	Y
1979	6	738	Canadian Pacific Airlines	BRAC	Fleet & Passenger Service	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1979	6	743	Scenic Airlines	SAPA; UPA	Pilots	Y
1979	6	744	Columbus & Greenville Ry.	BRAC	Maintenance of Way	N
1979	6	746	Apalachicola Northern RR	UTU	Locomotive Engineers	Y
1979	6	749	China Airlines	IAM	Fleet & Passenger Service	N
1979	6	752	Southern Airways	TWU; Other	Fleet & Passenger Service	N
1979	6	758	American Airlines	IBT; Other	Passenger Service	N
1979	6	760	Belt Ry.	PBA, L.I.R.R.; BRAC	Police Officers	Y
			Chicago, Milwaukee, St. Paul &		Supervisors/Foremen in	
			Pacific RR	ARSA	Maintenance of Equipment	
1979	6	762	Pacific RR	ARSA	Dept.	Y
1979	6	764	Trans World Airlines	ALEA, Other	Passenger Service	N
1979	6	766	Indiana Harbor Belt RR	ARSA	Technical Engineers et al.	Y
1979	6	768	Auto-Train Corp.	ARSA	Service Directors	Y
1979	6	771	Lloyd Aero Boliviano	IBT	Clerical et al.	Y
1979	6	773	Zantop International Airlines	TWU	Fleet Service	N
1979	6	778	Tan Airlines	IAM	Dispatchers	N
1979	6	788	Air New England	ALEA; Other	Passenger Service	Y
1979	6	790	Air Hawaii	IAM	Mechanics & Related	Y
					Supervisors/Foremen in	
					Maintenance of Equipment	
1979	6	793	Louisville & Nashville RR	ARSA	Dept.	N
1979	6	806	Trans International Airlines	AFA; IBT	Flight Attendants	Y
1979	6	807	Aerocondor Airlines	IAM	Fleet & Passenger Service	Y
1979	6	809	Aerocondor Airlines	IAM	Stock Clerks	Y
1979	6	811	Aerocondor Airlines	IAM	Mechanics & Related	Y
1979	6	821	Columbus & Greenville Ry.	IBEW	Machinists	N
1979	6	822	Columbus & Greenville Ry.	IBEW	Laborers	Y
1979	6	824	Columbus & Greenville Ry.	IBEW	Electricians	N
1979	7	4	Delaware & Hudson Ry.	BLE; UTU; Other	Locomotive Firemen et al.	Y
1979	7	9	EI Al Israel Airlines	IAM	Clerical	Y
1979	7	11	EI Al Israel Airlines	IAM	Fleet & Passenger Service	Y
1979	7	13	Southwest Airlines	TWU	Flight Dispatchers	Y
				Brotherhood of Track & B & B		
1979	7	14	Long Island RR	Employees; IBT; Other	Maintenance of Way	Y
1979	7	23	Belfast & Moosehead Lake RR	IBEW	Engineers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1979	7	25	Belfast & Moosehead Lake RR	IBEW	Conductors	Y
1979	7	27	Belfast & Moosehead Lake RR	IBEW	Brakemen	Y
1979	7	29	Belfast & Moosehead Lake RR	IBEW	Maintenance of Way	Y
1979	7	31	Belfast & Moosehead Lake RR	IBEW	Machinists	Y
1979	7	33	Belfast & Moosehead Lake RR	IBEW	Carmen	Y
1979	7	37	Air Midwest	IAM	Mechanics & Related	Y
1979	7	39	Massena Terminal RR	AWIU	Engineers	Y
1979	7	40	Massena Terminal RR	AWIU	Conductors	Y
1979	7	41	Massena Terminal RR	AWIU	Brakemen	Y
1979	7	42	Massena Terminal RR	AWIU	Maintenance of Way	Y
1979	7	43	World Airways	BRAC; IBT	Clerical et al.	N
1979	7	48	Air New England	AFA; ANEAFA	Flight Attendants	Y
1979	7	63	Lanica Airlines	IAM	Mechanics & Related	Y
1979	7	64	Altair Airlines	IAM	Flight Attendants	Y
1979	7	92	Alaska International Air	APAIA; IBT	Flight Deck Crew Members	Y
1979	7	96	Brainiff	IAM	Technical Specialists	Y
					Supervisors/Foremen in Maintenance of Equipment	
1979	7	98	St. Louis Southwestern Ry.	ARSA	Dept.	Y
1979	7	100	Maryland & Pennsylvania RR	BMPSCA	Electricians	Y
1979	7	102	Maryland & Pennsylvania RR	BMPSCA	Firemen & Hostlers	Y
1979	7	107	Republic Airlines	AMFA; IAM; Other	Mechanics & Related	Y
1979	7	110	Air Canada	IBT; Other	Fleet & Passenger Service	Y
			Southern Pacific Transportation			
1979	7	116	Co.	BRAC	Police Officers	N
1979	7	120	Island Helicopters	TWU	Pilots	N
1979	7	121	Zantop International Airlines	IAM; Other	Mechanics & Related	N
1979	7	123	Canadian Pacific Airlines	BRAC	Fleet & Passenger Service	N
1979	7	132	Youngstown & Northern RR	David P. Bokesch; BRAC; Other	Clerical et al.	Y
1979	7	135	Maryland & Pennsylvania RR	BMPSCA; IAM	Carmen et al.	Y
1979	7	142	Carrollton RR	BRAC	Locomotive Engineers	Y
1979	7	144	Carrollton RR	BRAC	Yardmen	Y
1979	7	146	Carrollton RR	BRAC	Maintenance of Way	Y
1979	7	148	Bevier & Southern RR	IAM; ARW	Brakemen	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1979	7	149	Bevier & Southern RR	IAM; ARW	Conductors	N
1979	7	150	Bevier & Southern RR	IAM	Machinists et al.	Y
1979	7	152	Bevier & Southern RR	IAM; ARW	Carmen et al.	Y
1979	7	154	Bevier & Southern RR	IAM; ARW	Maintenance of Way	Y
1979	7	158	Frontier Airlines	IAM	Engineers & Related	Y
1979	7	160	Eastern Air Lines	IBT	Medical Services Personnel	Y
1980	7	195	Delaware & Hudson Ry.	ARSA	Subordinate Officials in MoW	Y
1980	7	197	Great Western Airlines	IBT	Pilots & Copilots	N
1980	7	198	Canton RR	BRAC	Clerical et al.	Y
1980	7	210	Commuter Airlines	IBT; CAPA	Pilots & Copilots	Y
1980	7	212	Maryland & Pennsylvania RR	IAM; BMPSC	Machinists et al.	Y
1980	7	236	Bevier & Southern RR	ARW; IAM	Locomotive Engineers	N
1980	7	240	Fast Air Carriers	IBT	Clerical	Y
1980	7	242	Fast Air Carriers	IBT	Fleet Service	Y
1980	7	245	Iran National Airlines	IBT; Other	Passenger Service	Y
1980	7	249	Singapore Airlines	IBT	Passenger Service	N
1980	7	254	Pacific Southwest Airlines	SIPFAA; IBT; TWU	Flight Attendants	Y
1980	7	257	Air New Mexico	IAM	Mechanics & Related	Y
					Power Dispatchers-Load	
1980	7	259	Consolidated Rail Corp.	ATDA; ARSA; Other	Dispatchers	Y
					Specialists - Technical Training & Technical Assistants to the	
1980	7	263	Frontier Airlines	IAM	Manager of Simulator	N
1980	7	265	Air Florida	IAM; Other	Fleet & Passenger Service	N
1980	7	268	Hawaiian	IAM	Sales Representatives	N
1980	7	270	Transamerica Airlines	IBT; ALPA; Other	Flight Engineers	Y
1980	7	274	Crown Airways	CPA; UPA	Pilots	Y
1980	7	275	Steelton & Highspire RR	Steelworkers; RYA	Clerical	Y
				J.J. McDaniels, Individual; RYA;		
1980	7	284	Atchison, Topeka & Santa Fe RR	Other	Yardmasters	Y
1980	7	293	US Air	TWU	Simulator Engineers	Y
1980	7	295	Aviateca Airlines	IAM	Clerical et al.	Y
1980	7	297	Japan Air Lines	IAM; Other	Passenger Service	N
1980	7	302	Star Aviation d/b/a Star Airways	IBT	Mechanics & Related	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1980	7	319	Pacific Southwest Airlines	IBT; SRA; Other	Fleet & Passenger Service	Y
1980	7	322	International In-Flight Catering Co.	IAM	Commissary/Catering	N
1980	7	325	Aspen Airways	IBT	Fleet & Passenger Service	N
1980	7	326	Wien Air Alaska	IBT	Crew Schedulers	Y
1980	7	328	Texas International Airlines	ALEA; IBT; Other	Clerical et al.	Y
1980	7	335	Airlift International	ALEA; IBT; Other	Office Clerical, Fleet & Passenger Service	Y
1980	7	349	Lineas Aereas Paraguayas	IBT	Office Clerical, Fleet & Passenger Service	N
1980	7	354	Wright Air Lines	WALFAA	Passenger Service	N
1980	7	400	British Airways	IAM	Flight Attendants	Y
1980	7	403	Pacific Alaska Airlines	PAAFCA	Storekeepers	Y
1980	7	405	Air Florida	IAM	Flight Crew	Y
1980	7	408	Air Oregon Airlines	IBT	Stock Clerks	Y
1980	7	410	Metroflight	TWU	Pilots	N
1980	7	411	World Airways	IBT	Fleet & Passenger Service	N
1980	7	415	Chautauqua	IAM	Instructors (Ground)	N
1980	7	416	Swift-Aire Lines	TWU	Pilots	N
1980	7	418	Swift-Aire Lines	TWU	Fleet & Passenger Service	Y
1980	7	419	Air Micronesia	IBT; IAM	Flight Attendants	Y
1980	7	420	World Airways	IBT	Stock Clerks	Y
1980	7	422	South African Airways	IAM	Maintenance, Training	
1980	7	423	South African Airways	IAM	Instructor, et al.	N
1980	7	424	Pacific Southwest Airlines	IBT	Clerical	N
1980	7	426	Pacific Southwest Airlines	IBT; Other	Passenger Service	N
1980	7	428	Air Micronesia	IBT; IAM	Stock Clerks	Y
1980	7	430	Western Air Lines	ATE; BRAC; Other	Mechanics & Related	Y
1980	7	435	Manufacturers Ry.	Roy S. Ruffin, Individual; UTU	Mechanics & Related	Y
1980	7	446	Antilles Air Boats	UIWNA; Other	Office Clerical, Fleet & Passenger Service	Y
1980	7	452	Air Florida	IAM; Other	Passenger Service	Y
1980	7	454	Air Florida	TWU	Yardmasters	Y
1980	7	456	China Airlines	IAM	Mechanics & Related	N
					Dispatchers	Y
					Fleet & Passenger Service	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1980	7	463	Louisville & Nashville RR	ARSA	Subordinate Maintenance of Way Officials	N
1980	7	476	St. Lawrence RR	IBT	Engineers	Y
1980	7	477	St. Lawrence RR	IBT	Road Conductors	Y
1980	7	478	St. Lawrence RR	IBT	Maintenance of Way	Y
1980	7	479	St. Lawrence RR	IBT	Mechanics et al.	Y
1980	7	480	Southern Jersey Airways	SJAPA; Other Industrial, Technical and Professional Employees Division,	Pilots	Y
1980	7	482	Scenic Airlines	NMU	Fleet & Passenger Service	N
1980	7	486	Cochise Airlines	SPA	Pilots	Y
1980	7	490	Los Angeles Junction Ry.	Raul Herrera, Individual; RYA	Yardmasters	Y
1980	7	500	Air Illinois	IBT	Pilots & Copilots	N
1980	7	501	Southwest Airlines	IAM; SAMA; Other	Mechanics & Related	Y
1980	7	503	Southwest Airlines	IAM; SAMA	Stock Clerks	Y
1980	7	507	Altair Airlines	AEA; IAM; Other	Fleet & Passenger Service	Y
1980	8	20	Antilles Air Boats	UIWNA; Other	Restaurant	N
1980	8	40	Caribbean Air Services	UF&CW	Clerical	N
1980	8	42	Caribbean Air Services	UF&CW	Mechanics & Related	Y
1980	8	71	Interstate RR	BLE; UTU	Locomotive Engineers	Y
1980	8	73	Interstate RR	BLE; UTU	Locomotive Firemen	Y
1980	8	75	Apollo Airways	PAPA	Pilots	Y
1980	8	101	Canadian Pacific	UTU; BLE	Locomotive Engineers	Y
1980	8	103	Air Oregon Airlines	TWU	Mechanics & Related	Y
1980	8	105	Air Oregon Airlines	TWU	Stock Clerks	N
1980	8	108	Pittsburgh & Lake Erie RR	BRS	Retarder Technician et al.	N
1980	8	110	Providence & Worcester RR	Trainmen's Guild; UTU	Trainmen	Y
1980	8	119	Columbus & Greenville Ry.	BMWE	Maintenance of Way	N
1980	8	121	Ransome Airlines	IAM; Other	Fleet & Passenger Service	N
1980	8	133	Boston & Maine Corp.	IBEW; IBT; BRAC (ARSA)	Mechanical Dept. Foremen Supervisors/Foremen in Maintenance of Equipment	Y
1980	8	135	Auto-Train Corp.	BRAC (ARSA)	Dept.	Y
1980	8	137	Detroit & Toledo Shore Line RR	BLE; UTU; Other	Locomotive Engineers	Y
1980	8	139	Manufacturers Ry.	BMWE	Maintenance of Way	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1980	8	141	Chicago Union Station Co.	Gerald L. Gardner; IBEW	Signalmen	Y
					Office Clerical, Fleet &	
1980	8	144	Puerto Rico International Airlines	AEA	Passenger Service	Y
1980	8	147	Republic Airlines	IAM; AMFA	Mechanics & Related	Y
1980	8	149	Air Wisconsin	IAM	Dispatchers	N
1980	8	153	British Airways	IAM; IBT	Fleet & Passenger Service	Y
1980	8	183	Delpro	BRC; Other	Carmen et al.	Y
1980	8	187	Midstate Airlines	IAM; MPA	Pilots	Y
1980	8	189	Aeromech	IAM	Fleet & Passenger Service	N
1980	8	199	US Air	IBT; ALEA; IAM	Fleet Service	Y
			Chicago & North Western			
1981	8	217	Transportation Co.	BRAC (ARSA); IUAARP	Police Officers	Y
1981	8	226	Northwest Airlines	IBT; IAM; Other	Flight Attendants	Y
1981	8	228	US Air	TWU	Dispatchers	N
1981	8	230	Swift-Aire Lines	IBT	Pilots	Y
1981	8	234	Kansas City Southern Ry.	BLE; UTU	Locomotive Firemen et al.	Y
1981	8	264	Longview, Portland & Northern Ry.	ROWU	Clerical et al.	N
					Maintenance Supervisors in the	
1981	8	266	Consolidated Rail Corp.	IBEW; BRAC-ARSA	Electric Traction Dept.	Y
					Foremen and/or Supervisors of	
1981	8	268	Pittsburgh & Lake Erie RR	IBEW; BRAC-ARSA	Mechanics	Y
1981	8	274	Aspen Airways	IBT; AAAA; Other	Fleet & Passenger Service	Y
1981	8	296	Ross Aviation	IAM	Mechanics & Related	N
1981	8	305	Bauxite & Northern RR	Steelworkers	Locomotive Engineers	Y
1981	8	307	Bauxite & Northern RR	Steelworkers	Locomotive Firemen et al.	Y
1981	8	309	Bauxite & Northern RR	Steelworkers	Conductors	Y
1981	8	311	Bauxite & Northern RR	Steelworkers	Brakemen	Y
1981	8	313	Conemaugh & Black Lick RR	RYA	Yardmasters	Y
					Office Clerical, Fleet &	
1981	8	352	Dominicana Airlines	IAM; IBT	Passenger Service	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1981	8	390	Gifford Aviation	GPA	Pilots & Copilots	Y
1981	8	392	Tacoma Municipal Belt Line Ry.	IYT; RYA	Yardmasters	Y
1981	8	394	Long Island RR	BRAC-ARSA; IBEW	Mechanical Department Foremen et al. Power Directors & Load	Y
1981	8	396	Long Island RR	BRAC-ARSA; IBEW	Dispatchers	Y
1981	8	398	Long Island RR	BRAC-ARSA; IBEW	Train Dispatchers	Y
1981	8	401	AMTRAK	AFRP; Other	Police Officers	Y
1981	8	423	American Inter-Island	APFA	Flight Attendants	Y
1981	8	425	American Inter-Island	APFA	Pilots & Copilots	Y
1981	8	429	Delray Connecting RR	BRAC	Maintenance of Way Transportation; Internal Audits; Administration & Finance; Personnel; Public Affairs; Customer Service & Office Service	Y
1981	8	431	Long Island RR	BRAC	Mechanical Dept. Foremen and/or Supervisors	Y
1981	8	456	Kansas City Southern Ry.	BRAC-ARSA	Fleet & Passenger Service	N
1981	8	461	Golden Gate Airlines	IBT; Other	Flight Attendants	N
1981	8	462	Golden Gate Airlines	IBT	Fleet Service	Y
1981	8	464	Air Cleveland	Laborers	Mechanics & Related	N
1981	8	484	American Inter-Island	APFA	Stock Clerks	N
1981	8	486	American Inter-Island	APFA		
1981	8	513	Bauxite & Northern RR	Lillian M. Glidewell, Individual; BRAC	Clerical et al.	Y
1981	8	515	Trans Central Airways	IBT	Pilots & Copilots	N
1981	8	517	Mississippi Valley Airlines	IAM	Mechanics & Related	N
1981	8	522	Air Wisconsin	IAM	Flight Attendants	N
1981	8	524	US Air	IAM	Technical Specialists	N
1981	8	548	Cascade Airways	CAEA; ALEA	Passenger Service	Y
1981	8	563	Pacific Southwest Airlines	ALPA; PFCA; Other	Flight Crew	Y
1981	8	565	Sand Springs Ry.	BLE; UTU	Locomotive Engineers	Y
1981	8	588	Bar Harbor Airlines	UPA	Flight Crew	N
1981	8	590	Cascade Airways	IBT; ALPA	Pilots & Copilots	Y
1981	8	611	Pakistan International	IBT	Clerical	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB	Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1981	8		613	Columbus & Greenville Ry.	IBEW	Machinists	Y
1981	8		615	Columbus & Greenville Ry.	IBEW	Electricians	Y
1981	8		617	Fordyce & Princeton RR	FPREU; UBCJ	Locomotive Engineers	Y
1981	8		619	Fordyce & Princeton RR	FPREU; UBCJ	Conductors	Y
1981	8		621	Fordyce & Princeton RR	FPREU; UBCJ	Maintenance of Way	Y
1981	8		623	AFM Corp.	AFMPA	Pilots & Copilots	Y
1981	8		632	Caribbean Air Services	UF&CW	Cargo Agents & Loaders Supervisors/Foremen in Maintenance of Equipment	N
1981	8		640	Louisville & Nashville RR	BRAC-ARSA	Dept.	N
1981	8		678	Seaboard Coast Line RR	BRAC-ARSA; Other	Subordinate Officials in MoW	N
1981	8		680	Trans World Airlines	IBT; IAM; Other	Passenger Service	N
1981	8		698	Golden Gate Airlines	TWU	Mechanics & Related	N
1981	8		700	Columbus & Greenville Ry.	BRAC	Clerical et al.	Y
1981	8		702	Western RR	IBT	Locomotive Engineers	N
1981	8		704	Western RR	IBT	Carmen et al.	N
1981	8		707	Western RR	IBT	Yardmen	N
1981	9		11	Comair	IAM	Stock Clerks	Y
1981	9		13	Comair	IAM	Mechanics & Related	Y
1981	9		15	Point Comfort & Northern Ry.	Steelworkers	Locomotive Engineers	Y
1981	9		17	Point Comfort & Northern Ry.	Steelworkers	Conductors	Y
1981	9		19	Point Comfort & Northern Ry.	Steelworkers	Switchmen	Y
1981	9		21	Belt Ry.	BRAC; PBA-L.I.R.R.; Other	Police Officers	Y
1981	9		33	DHL Cargo Corp.	IAM	Mechanics & Related	N
1981	9		35	DHL Cargo Corp.	IAM	Flight Deck Crew Members	N
1981	9		63	Airborne Express	IBT; APA	Pilots & Copilots	Y
1981	9		65	Piedmont Airlines	IAM	Mechanics & Related	Y
1981	9		81	Zantop International Airlines	UAW; Other	Flight Engineers	Y
1981	9		83	Zantop International Airlines	UAW; Other	Cockpit Crew Members	Y
1981	9		89	White City Terminal & Utilities Co.	UTU	Locomotive Engineers	N
1981	9		91	White City Terminal & Utilities Co.	UTU	Brakemen	N
1981	9		93	White City Terminal & Utilities Co.	UTU	Maintenance of Way	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1981	9	98	SkyWest Southern Pacific Transportation	ALEA	Passenger Service	N
1981	9	102	Co.	BRAC	Police Officers	N
1981	9	132	Maryland & Pennsylvania RR	UTU; R.L. Wise, Individual	Locomotive Engineers	Y
1981	9	134	Maryland & Pennsylvania RR	UTU; R.L. Wise, Individual	Conductors	Y
1981	9	136	Maryland & Pennsylvania RR	UTU; R.L. Wise, Individual	Brakemen	Y
1981	9	138	Maryland & Pennsylvania RR	UTU	Dispatchers	N
1981	9	142	Terminal Ry. Alabama State Docks	IAM; BRC	Machinists	Y
1981	9	149	Northeast Illinois Regional	BLE	Locomotive Firemen	Y
1982	9	179	Westair Commuter Airlines	IAM	Mechanics & Related	N
1982	9	184	Big Sky Airlines	IBT	Passenger Service	N
1982	9	191	International In-Flight Catering Co.	IAM	Commissary/Catering	N
1982	9	198	Maryland & Pennsylvania RR	UTU	Carmen et al.	Y
1982	9	254	Singapore Airlines	IBT; Other	Passenger Service	N
1982	9	258	Delpro	BRAC-ARSA	Subordinate Officials in MoW	N
1982	9	262	Maryland & Pennsylvania RR	UTU	Electricians	Y
1982	9	306	Flying Tiger Line	AFA; IBT	Flight Attendants	Y
1982	9	330	Air Oregon Airlines	PAPA	Pilots	Y
1982	9	338	Air Florida	ALEA; IAM	Fleet Service	N
1982	9	340	Air Florida	ALEA; Other	Passenger Service	N
1982	9	350	Air Oregon Airlines	TWU	Stock Clerks	N
1982	9	352	Great Southwest RR	UTU	Clerical et al.	Y
1982	9	360	Metro Airlines	TWU	Fleet Service	Y
1982	9	364	Venezolana International Airways	IAM	Clerical	Y
1982	9	366	Caribbean Air Cargo	IBT	Fleet Service	N
1982	9	368	Eastern Air Lines	IAM	Drivers	Y
1982	9	379	Chesapeake & Ohio Railway Co.	IBEW; ILA	Electricians	Y
1982	9	383	Alitalia	OPEIU; IAM	Clerical	N
1982	9	444	Southwest Airlines	IAM; IBT; Other	Fleet Service	Y
1982	9	446	Southwest Airlines	IAM; IBT; Other	Passenger Service	Y
1982	9	462	Empire Airlines	IAM	Mechanics & Related	N
1982	9	464	Empire Airlines	IAM	Stock Clerks	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1982	9	466	Metro Airlines	IBT; ALPA	Pilots & Copilots	Y
1982	9	468	Commuter Airlines	ALPA	Pilots & Copilots	Y
1982	9	470	Aliquippa & Southern RR	BLE; Other	Locomotive Firemen	Y
1982	9	484	Columbus & Greenville Ry.	BMWV	Maintenance of Way	Y
1982	9	486	Mississippi Valley Airlines	ALPA; Other	Pilots	Y
1982	9	520	Aeromech	IBT	Fleet & Passenger Service	N
1982	9	539	Union Pacific RR	YSC; RYA	Yardmasters	Y
1982	9	541	Olympic Airlines	IAM	Passenger Service	N
1982	9	543	Air California	ALPA; IBT	Flight Deck Crew Members	Y
1982	9	545	Big Sky Airlines	BSPA	Pilots & Copilots	Y
1982	9	547	Combs Airways	IBT; Other	Pilots & Copilots	Y
1982	9	557	Scheduled Skyways	ALPA	Flight Deck Crew Members	Y
1982	10	1	Jet America	IAM	Mechanics & Related	Y
1982	10	3	Jet America	IAM	Stock Clerks	Y
1982	10	5	Air Virginia	AVPA	Pilots	Y
1982	10	7	Golden West Airlines	ALPA; IBT	Flight Deck Crew Members	Y
1982	10	9	Air Florida	AFPA; Other	Flight Deck Crew Members	Y
					Mechanical Foremen and/or	
1982	10	16	Florida East Coast	FFRE	Supervisors of Mechanics	Y
1982	10	44	Ontario Midland RR	UTU	Locomotive Engineers	Y
1982	10	46	Ontario Midland RR	UTU	Maintenance of Way	Y
					Mechanical Dept. Foremen	
					and/or Supervisors of	
1982	10	48	Ontario Midland RR	UTU	Mechanics	Y
1982	10	50	Central of Vermont Ry.	BLE; UTU	Locomotive Engineers	Y
1982	10	52	Long Island RR	BLE	Asst. Road Foremen of Engines	Y
1982	10	54	Air Micronesia	UFA; Other	Flight Attendants	Y
1982	10	56	Imperial Airlines	IAM; Other	Pilots & Copilots	Y
1982	10	77	Henson Airlines	IAM	Flight Attendants	N
1982	10	81	Henson Airlines	IAM	Mechanics & Related	N
1982	10	83	Southern Jersey Airways	IBT; Other	Pilots	Y
1982	10	85	Southern Jersey Airways	IBT	Mechanics & Related	Y
1982	10	87	Southern Jersey Airways	IBT	Fleet & Passenger Service	N
1982	10	91	Air Micronesia	IBT	Fleet Service	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1982	10	93	Orion Air	IBT; Other	Flight Deck Crew Members	N
1982	10	95	Southwest Airlines San Diego & Arizona Eastern Transportation Co.	IBT; IAM; Other	Mechanics & Related	Y
1983	10	97	Southwest Airlines	SDRW; IAM	Machinists	Y
1983	10	101	Precision Valley Aviation	IBT; IAM; Other	Stock Clerks	Y
1983	10	105	Big Sky Airlines	ALPA	Flight Deck Crew Members	Y
1983	10	115	Continental Airlines	IAM; Other	Mechanics & Related	Y
1983	10	126	Southwest Airlines	UFA; AFA; Other	Flight Attendants	Y
1983	10	133	Varig Brazilian Airlines	SAEA; TWU	Aircraft Dispatchers	Y
1983	10	234	Varig Brazilian Airlines	IAM	Flight Dispatchers	Y
1983	10	236	Varig Brazilian Airlines	IAM	Stores Employees	Y
1983	10	238	Varig Brazilian Airlines	IAM	Fleet Service	Y
1983	10	245	Ventura County Ry.	BRAC	Clerical et al.	Y
1983	10	247	Ventura County Ry.	IBT; BRAC	Maintenance of Way	Y
1983	10	249	Ventura County Ry.	IBT; BRAC	Brakemen	Y
1983	10	251	Ventura County Ry.	IBT; BRAC	Conductors	Y
1983	10	253	Ventura County Ry.	IBT; BRAC	Locomotive Engineers	Y
1983	10	255	Ventura County Ry.	BRAC	Signalmen	N
1983	10	263	Air Cargo	IBT	Fleet Service	Y
1983	10	267	Varig Brazilian Airlines	IAM	Passenger Service	Y
1983	10	269	Varig Brazilian Airlines	IAM; Other	Clerical	N
1983	10	296	Aerototal Airlines	IBT	Office Clerical, Fleet & Passenger Service	N
1983	10	298	British Airways	IAM	Maintenance & Stores	
1983	10	300	British Airways	IAM	Supervisors	Y
1983	10	302	British Airways	IAM	Fleet & Passenger Service	Y
1983	10	304	Grand Trunk Western RR	BRAC; AFRP	Dispatchers	Y
1983	10	308	Jet America	IAM	Police Officers	Y
1983	10	321	Pioneer Airways	IAM	Fleet Service	Y
1983	10	341	Tacoma Municipal Belt Line Ry.	ALPA	Flight Deck Crew Members	Y
1983	10	354	Fore River RR	ILW; IYT	Yardmasters	Y
1983	10	356	Air Florida	UTU	Maintenance of Way	Y
1983	10	358	Fonda, Johnstown & Gloversville RR	IAM	Fleet Service	Y
1983	10	358	RR	BLE	Locomotive Engineers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1983	10	376	Comair	ALPA	Flight Deck Crew Members	Y
1983	10	379	Air Florida	IFFA	Flight Attendants	N
1983	10	381	United Airlines	IAM; Other	Passenger Service	N
1983	10	385	Detroit, Toledo & Ironton RR San Diego & Arizona Eastern Transportation Co.	UTU; BLE	Locomotive Engineers	Y
1983	10	387		UTU; BLE	Locomotive Engineers	Y
1983	10	400	Metro North Commuter RR	BMWE; IBT; Other	Maintenance of Way	Y
1983	10	412	Pend Oreille Valley RR	UTU	Locomotive Engineers	N
1983	10	414	Pend Oreille Valley RR	UTU	Conductors	N
1983	10	416	Pend Oreille Valley RR	UTU	Clerical et al.	N
1983	10	418	Pend Oreille Valley RR	UTU	Carmen	Y
1983	10	420	Pend Oreille Valley RR	UTU	Mechanics	N
1983	10	422	Pend Oreille Valley RR	UTU	Maintenance of Way	Y
1983	10	429	Alia Royal Jordanian Airlines New Jersey Transit Rail Operations	IBT	Fleet Service	N
1983	10	470		NJTP-NJPBA; IBT	Police Officers	Y
1983	10	472	Cargolux Airlines International	IAM	Fleet Service	N
1983	10	498	American International Airways	TWU	Flight Attendants	N
1983	10	500	Scheduled Skyways	ALPA	Flight Deck Crew Members	N
1983	10	504	Piedmont Airlines	IAM	Flight Simulator Technicians	Y
1983	11	1	Air Florida	IAM; IBT; Other	Mechanics & Related	Y
1983	11	3	Air Florida	IAM; IBT	Stock Clerks	Y
1983	11	7	Royale Airlines	ALPA; Other	Pilots	Y
1983	11	9	Rocky Mountain Airways	RMAMA	Mechanics & Related	Y
1983	11	20	Metro Airlines	TWU	Flight Attendants	Y
1983	11	22	US Air	TWU	Ground School Instructors	N
1983	11	24	Green Bay & Western RR	BLE; UTU	Locomotive Engineers	Y
1983	11	26	Green Bay & Western RR New Jersey Transit Rail Operations	BLE; UTU	Locomotive Firemen	Y
1983	11	51		BMWE; IBT	Maintenance of Way	Y
1983	11	53	United Airlines	IBT; Other	Ground Instructors	N
1983	11	55	Air Midwest	AMMA; IAM	Mechanics & Related	Y
1983	11	71	Suburban Airlines	UAW	Flight Attendants	Y
1983	11	73	Ransome Airlines	ALPA; Other	Flight Deck Crew Members	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1983	11	83	Guyana Airways	IBT	Office Clerical & Passenger Service	N
1983	11	99	Republic Airlines	IAM; AMFA; Other	Mechanics & Related	Y
1983	11	113	Flying Tiger Line	IBT	Ground Instructors	Y
1984	11	129	Providence & Worcester RR	IBT; TEA	Trainmen	Y
1984	11	136	Capitol Air	IBT	Fleet Service	N
1984	11	175	Offshore Logistics	OCAW; Other	Flight Deck Crew	N
1984	11	178	Arrow Airways	Arrow Pilots Ass'n; Other	Flight Deck Crew Members	Y
1984	11	188	Rio Airways	TWU	Passenger Service	N
1984	11	190	Rio Airways	TWU	Fleet Service	N
1984	11	192	Rio Airways	TWU	Dispatchers	N
1984	11	200	Tampa Airlines	IBT	Fleet Service	Y
1984	11	203	Puerto Rico International Airlines	IAM	Flight Attendants	Y
1984	11	215	World Airways	TWU	Dispatchers	Y
1984	11	237	Metro North Commuter RR	UFP; IBT	Police Officers	Y
1984	11	251	American Airlines	TWU	Security Guards	Y
1984	11	253	Cascade Airways	IBT	Flight Attendants	Y
1984	11	266	Dequeen & Eastern, Texas, Oklahoma & Eastern RR	IBT; UTU	Clerical et al.	Y
1984	11	268	Oklahoma & Eastern RR	IBT; UTU	Dispatchers	Y
1984	11	275	Aer Lingus	IAM	Mechanics & Related	Y
1984	11	288	Winston-Salem Southbound Ry.	UTU; BLE	Engineers	Y
1984	11	296	Muse Air	TWU; Other	Flight Attendants	N
1984	11	298	Horizon Air	TWU; Other	Flight Attendants	N
1984	11	300	Duluth, Missabe & Iron Range Ry.	BLE; UTU	Locomotive Engineers	Y
1984	11	302	Duluth, Missabe & Iron Range Ry.	BLE; UTU	Locomotive Firemen	Y
1984	11	304	Kyle RR	UTU; BMWE	Maintenance of Way	Y
1984	11	306	Kyle RR	UTU	Carmen	N
1984	11	308	Kyle RR	UTU	Clerical et al.	N
1984	11	310	Kyle RR	UTU	Engineers	Y
1984	11	312	Kyle RR	UTU	Brakemen	Y
1984	11	314	Kyle RR	UTU	Conductors	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1984	11	316	Kyle RR	UTU	Mechanics et al.	Y
1984	11	318	Kyle RR	UTU; BMW	Signalmen	Y
1984	11	324	British Caledonian Airways	IBT; Other	Passenger Service	N
1984	11	326	Crown Air/Dorado Wings	ALPA; Other	Flight Deck Crew Members	Y
1984	12	1	Southwest Airlines	IBT; IAM; Other	Fleet Service	N
1984	12	3	Florida East Coast	FFRE	Shop Laborers	Y
1984	12	5	Florida East Coast	IBEW; FFRE	Electricians	N
1984	12	7	Florida East Coast	FFRE; SMWIA	Sheet Metal Workers	Y
					Yard Conductors & Yard	
1984	12	9	Florida East Coast	FFRE; Other	Trainmen	N
					Subordinate Officials in	
1984	12	13	Northeast Illinois Regional	ARAS-Div. BRAC	Maintenance of Equip. Dept.	Y
1984	12	15	Henson Airlines	ALPA	Flight Deck Crew Members	Y
1984	12	17	Pocono Airlines	IAM	Mechanics & Related	N
1984	12	19	Pocono Airlines	IAM	Stock Clerks	N
1984	12	48	Ogden Union Ry. & Depot	OYSA; RYA	Yardmasters	Y
1984	12	50	Metro North Commuter RR	UTU; MTU; Other	Trainmen	Y
1984	12	52	Metro North Commuter RR	UTU; MTU; Other	Conductors	Y
1984	12	54	Reeve Aleutian Airways	IAM	Flight Attendants	Y
1984	12	57	Metro North Commuter RR	UTU; MTU	Yardmen	Y
1984	12	59	Wright Air Lines	TWU; WAMA	Fleet Service	N
1985	12	76	Grand Trunk Western RR	RYA	Yardmasters	Y
1985	12	78	Long Island RR	BRC; IBT	Carmen	Y
				ARASA-BRAC; James E.		
1985	12	123	Seaboard System RR	Powers; Other	Police Officers	N
1985	12	129	Birmingham Southern RR	BLE; UTU	Locomotive Engineers	Y
1985	12	131	Birmingham Southern RR	BLE; UTU	Locomotive Firemen et al.	Y
1985	12	133	Air Virginia	ALPA; AVPA	Pilots	Y
1985	12	135	Tower Air	IBT; Other	Flight Attendants	N
1985	12	137	Tower Air	IBT	Flight Engineers	N
1985	12	139	Tower Air	IBT	Pilots	N
1985	12	141	AMTRAK	BLE; UTU; Other	Locomotive Engineers	Y
				BRAC; Laurence G. Russell;		
1985	12	143	Atchison, Topeka & Santa Fe RR	Other	Police Officers	Y
1985	12	152	Big Sky Airlines	BRAC	Passenger Service	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1985	12	157	Midway Airlines	ALPA	Flight Deck Crew	Y
1985	12	174	Chicago & Western Indiana RR	BRAC; PBA	Police Officers	Y
1985	12	176	Indiana Harbor Belt RR	BRAC; PBA	Police Officers	Y
1985	12	178	Western Pacific RR	RYA; WPYA	Yardmasters	Y
1985	12	180	AFM Corp.	Grant Louis; AFMPA	Pilots & Copilots	Y
1985	12	192	Long Island RR	UTU; IBT	Maintenance of Way	Y
1985	12	210	Pentastar Aviation	UAW	Mechanics & Related	N
1985	12	212	Crown Air/Dorado Wings	IAM	Mechanics & Related	Y
1985	12	214	Crown Air/Dorado Wings	IAM	Fleet Service	Y
1985	12	216	Crown Air/Dorado Wings	IAM	Stores Employees	Y
1985	12	243	Air Wisconsin	AFA	Flight Attendants	Y
1985	12	245	Grand Trunk Western RR	BRAC	Technical Engineers, Architects, Draftsmen & Allied	Y
1985	12	254	Jet America	IAM; Richard Hunter, Individual	Mechanics & Related	N
1985	12	256	Jet America	IAM; Richard Hunter, Individual	Stock Clerks	N
1985	12	264	Alaska Airlines	ADA; IAM	Dispatchers	Y
1985	12	273	EI Al Israel Airlines	UEAAE; IAM	Mechanics & Related	Y
1985	12	275	EI Al Israel Airlines	UEAAE; IAM	Clerical	Y
1985	12	277	EI Al Israel Airlines	UEAAE; IAM	Dispatchers	Y
1985	12	291	Genesee & Wyoming RR	Steelworkers	Carmen	Y
1985	12	293	Genesee & Wyoming RR	Steelworkers	Machinists et al.	N
1985	12	295	Genesee & Wyoming RR	Steelworkers	Mechanical Dept. Supervisors	N
1985	12	297	United Airlines	IBT	Ground Instructors	N
1985	12	310	Denver & Rio Grande RR Southeastern Pennsylvania	ATDA; DSC	Train Dispatchers	Y
1985	12	312	Transportation Authority	UTU; IBT	Conductors	Y
1985	12	316	EI Al Israel Airlines	UEAAE; IAM	Stock & Stores	Y
1985	12	320	EI Al Israel Airlines Kankakee, Beaverville & Southern	UEAAE; IAM; Other	Fleet & Passenger Service	Y
1985	12	322	RR Kankakee, Beaverville & Southern	UTU	Locomotive Engineers	Y
1985	12	324	RR	UTU	Brakemen	N
1985	12	340	Muse Air	MAPA	Flight Deck Crew Members	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1985	12	350	North Carolina Ports Ry. Comm'n	UTU	Engineers	Y
1985	12	352	North Carolina Ports Ry. Comm'n	UTU	Trainmen	N
1985	12	354	Tan Airlines	IAM	Dispatchers	Y
1985	13	25	Brandywine Valley RR	UTU	Engineers	N
1985	13	27	Brandywine Valley RR	UTU	Conductors	N
1985	13	34	Air Atlanta	ALPA	Flight Deck Crew Members	Y
1985	13	36	South Buffalo Ry.	UTU; BLE	Locomotive Engineers	Y
1985	13	38	South Buffalo Ry.	UTU; BLE	Locomotive Firemen	Y
1985	13	50	Dalfort Corp. Staten Island Rapid Transit	IAM; IBT	Mechanics & Related	Y
1985	13	52	Operating Authority	IBT; UFP	Police Officers	Y
1985	13	57	Jet America	IAM; Richard Hunter, Individual	Fleet Service	N
1985	13	59	Muse Air	TWU	Flight Attendants	Y
1985	13	61	Midstate Airlines	IAM	Fleet & Passenger Service	N
1985	13	75	Southeastern Pennsylvania Transportation Authority	UTU; Michael J. Scioli, Sr., Individual	Yardmasters	N
1985	13	80	Southeastern Pennsylvania Transportation Authority	BRAC BMW; James K. Teague,	Subordinate Officials in Maintenance of Equip. Dept.	Y
1986	13	104	City of Prineville Ry.	Individual	Maintenance of Way	Y
1986	13	106	Grand Trunk Western RR	UTU; BLE	Locomotive Firemen	Y
1986	13	108	Grand Trunk Western RR	UTU; BLE	Locomotive Engineers	Y
1986	13	112	Atlantic Southeast Airlines	IAM	Stock Clerks	N
1986	13	114	Atlantic Southeast Airlines	IAM	Mechanics & Related	N
1986	13	126	Southwest Airlines	IBT; Other	Fleet Service	N
1986	13	136	Eastern Air Lines	IBT; IAM	Nurses, Therapists & Medical Technicians	Y
1986	13	138	AMTRAK	BLE; UTU	Firemen & Hostlers	Y
1986	13	149	Eastern Air Lines New Jersey Transit Rail	IBT; IAM	Ground School Maintenance Instructors	Y
1986	13	167	Operations	UTU; BLE	Hostlers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
			New Jersey Transit Rail			
1986	13	169	Operations	BLE; UTU	Locomotive Engineers	Y
1986	13	173	Alitalia	EFC; IAM	Passenger Service	Y
1986	13	203	Chicago & Illinois Midland Ry.	BLE; UTU	Locomotive Engineers	Y
1986	13	205	Chicago & Illinois Midland Ry.	BLE; UTU	Locomotive Firemen	Y
1986	13	223	Midway Airlines	AFA	Flight Attendants	N
1986	13	225	Ground Handling	IBT	Customer Service	N
1986	13	227	Ports of Call, Inc./Skyworld Airlines	PCEA	Flight Deck Crew Members	Y
1986	13	229	Ports of Call, Inc./Skyworld Airlines	PCEA	Flight Engineers	Y
1986	13	231	Air Wisconsin	ALPA; NAPA	Pilots	Y
1986	13	237	Trans World Airlines	IAM; IBT; IFFA	Passenger Service	Y
1986	13	245	Ozark Air Lines	IAM; IBT	Stock Clerks	Y
1986	13	247	Genesee & Wyoming RR	UTU; Steelworkers	Locomotive Engineers	Y
1986	13	249	Genesee & Wyoming RR	UTU; Steelworkers	Trainmen	Y
1986	13	251	Genesee & Wyoming RR	UTU; Steelworkers	Trackmen	Y
1986	13	253	Midway Airlines (1984)	AFA; AFFAA; Other	Flight Attendants	Y
1986	13	261	Republic Airlines	IAM	Flight Simulator Engineers	Y
1986	13	308	Simmons Airlines	ALPA	Flight Deck Crew Members	Y
1986	13	330	City of Prineville Ry.	CPREU; Ronald R. Jones, Individual	Clerical et al.	Y
1986	13	332	City of Prineville Ry.	CPREU; Ronald R. Jones, Individual	Mechanics & Related	Y
1986	13	334	City of Prineville Ry.	CPREU	Locomotive Engineers	Y
1986	13	336	Midway Airlines (1984)	IBT; IAM	Fleet Service	Y
1986	13	344	Eastern Air Lines	IUE; Other	Passenger Service	N
1986	13	355	America West	Inflight Customer Service Representatives Ass'n	Flight Attendants	N
1986	13	361	Atlantic Southeast Airlines	ALPA	Flight Deck Crew Members	N
1986	13	363	Metro North Commuter RR	RR-PBA; UFP; Other	Police Officers	Y
1986	13	365	Iowa Interstate RR	UTU; Other	Train Employees	Y
1986	13	367	Iowa Interstate RR	UTU; Other	Engine Employees	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1986	13	371	Consolidated Rail Corp.	ARASA-BRAC; URSA; Other	Foremen in the Maintenance of Equip. Dept. & Foremen in the Maintenance of Way Dept.	Y
1986	13	374	Consolidated Rail Corp.	ARASA-BRAC; URSA	Assistant District Claim Agents et al.	Y
1986	13	376	Consolidated Rail Corp.	ARASA-BRAC; URSA	Subordinate Officials in Maintenance of Way et al.	Y
1986	13	379	Long Island RR	ARASA-BRAC; NTSA; Other	Technical Engineers, Architects, Draftsmen & Allied	Y
1986	13	390	Aspen Airways	IBT; IAM	Mechanics & Related	Y
1986	13	392	Southeastern Pennsylvania Transportation Authority	ATDA; Joseph E. Bielawski, Individual	Train Dispatchers	N
1986	13	394	Southeastern Pennsylvania Transportation Authority	ATDA; Joseph E. Bielawski, Individual	Power Dispatchers	N
1986	13	396	Eastern Air Lines	IAM	Engineers & Related	N
1986	14	3	Southern Jersey Airways	IBT	Flight Attendants	Y
1986	14	5	Northwest Airlines	NWAFA; ARASA-BRAC	Supervisors & Mechanical	Y
1986	14	18	Aspen Airways	IAM; IBT	Stock Clerks	Y
1986	14	45	AMTRAK	ASWC; UTU; Other	On Board Service Workers	Y
1986	14	47	Maine Central RR	ARASA-BRAC; CRSA	Subordinate Officials in Maintenance of Way et al.	Y
1986	14	58	Tacoma Municipal Belt Line Ry.	UTU; ILWU	Yardmasters	Y
1986	14	60	Pacific Southwest Airlines	IBT	Flight Simulator Technicians	N
1986	14	62	Brockway Air	ALPA	Flight Deck Crew Members	N
1986	14	64	Northwest Airlines	AFA; IBT; Other	Flight Attendants	Y
1986	14	74	Pan Am Express	IBT	Mechanics & Related	Y
1986	14	103	Air California	AMFA; TWU	Mechanics & Related	Y
1986	14	129	Atchison, Topeka & Santa Fe Ry.	James M. Bierd, Individual; ATDA	Train Dispatchers	Y
1987	14	141	Pan Am Express	IBT	Clerical	N
1987	14	143	Pan Am Express	IBT	Stock Clerks	Y
1987	14	145	Pan Am Express	IBT; BRAC	Flight Dispatchers	Y
1987	14	147	Pan Am Express	IBT; IAM	Passenger Service	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1987	14	151	Continental Airlines	IBT; Other	Fleet Service	N
1987	14	153	Continental Airlines	IBT; Other	Passenger Service	N
1987	14	157	Indiana Harbor Belt RR	URSA; BRAC	Supervisors of Maintenance of Way et al.	Y
1987	14	160	Indiana Harbor Belt RR	URSA; BRAC	Foremen in Maintenance of Way	Y
1987	14	166	Air California	APFA; TWU	Flight Attendants	Y
1987	14	191	CCAir	ALPA	Flight Deck Crew Members	Y
1987	14	192	Rich International	IBT	Flight Deck Crew Members	N
1987	14	194	Transtar Airlines	IBT	Stock Clerks	Y
1987	14	204	Transtar Airlines	IBT	Mechanics & Related	Y
1987	14	208	Ann Arbor RR	UTU; BLE	Engineers	Y
1987	14	213	Eastern Air Lines	IGSI; IAM	Ground School Instructors	N
1987	14	216	Pittsburgh & Ohio Valley Ry.	UTU; Steelworkers	Yardmen	Y
1987	14	246	Virgin Islands Seaplane Shuttle	GWUPR-HERE	Ramp Agents	Y
1987	14	259	Northwest Airlines	IAM; BRAC	Office Clerical, Fleet & Passenger Service	Y
1987	14	262	Tower Air	IBT; Other	Flight Attendants	N
1987	14	264	Chicago Short Line Ry.	BRAC	Carmen	Y
1987	14	266	Denver & Rio Grande RR	DSC; UTU	Yardmasters	Y
1987	14	268	Wings West	IBT; Other	Pilots	N
1987	14	270	Conemaugh & Black Lick RR	Steelworkers; UTU	Locomotive Engineers	Y
1987	14	272	Conemaugh & Black Lick RR	Steelworkers; UTU	Groundmen	Y
1987	14	276	Sunworld International Airways	SPA	Flight Deck Crew Members	Y
1987	14	287	Northeast Illinois Regional	IBEW; FFRE	Substation Electricians	Y
1987	14	289	Southwest Airlines	IBT	Flight Simulator Techs	N
1987	14	333	Air Midwest	ALPA	Flight Deck Crew Members	Y
1987	14	335	Tampa Airlines	IBT; IAM	Fleet Service	Y
1987	14	337	Pennsylvania Airlines	ALPA	Flight Deck Crew Members	Y
1987	14	339	Mesaba	ALPA	Flight Deck Crew Members	Y
1987	14	341	Birmingham Southern RR	BRAC	Clerical et al.	N
1987	14	370	Simmons Airlines	TWU	Mechanics & Related	N
1987	14	372	Illinois Central Gulf RR	UTU; BLE	Locomotive Firemen	Y
1987	14	396	Long Island RR	BRAC-ARSA; NTSA	Power Directors & Load Dispatchers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
					Mechanical Department	
1987	14	398	Long Island RR	BRAC-ARSA; NTSA; IBEW	Foremen et al.	Y
1987	14	400	Flying Tiger Line	AFA; IBT	Flight Attendants	Y
1987	14	402	Long Island RR	BRAC-ARSA; NTSA	Supervisors Special Services	Y
1987	14	415	Horizon Air	AFA	Flight Attendants	Y
1987	14	421	Challenge Air Int'l Airlines	CAPA; Other	Flight Deck Crew Members	Y
1987	14	423	Eastern Air Lines	IFSSA; IAM	Radio/Teletype Operators	N
1987	14	425	Iberia Airlines	EFF; IAM	Flight Dispatchers	N
1987	14	427	Pacific Southwest Airlines	AFA; Other	Flight Attendants	Y
1987	14	429	Maryland Midland Ry.	UTU	Locomotive Engineers	Y
1987	14	431	Maryland Midland Ry.	UTU	Carmen	Y
1987	14	433	Maryland Midland Ry.	UTU	Agents/Dispatchers	N
1987	14	435	Maryland Midland Ry.	UTU	Conductors	Y
1987	14	437	Maryland Midland Ry.	UTU	Maintenance of Way	Y
1987	15	1	Suburban Airlines	UAW; SAFAC; Other	Flight Attendants	Y
1987	15	3	Pocono Airlines	ATU	Flight Attendants	N
1987	15	5	Cairo Terminal RR	LIUNA	Maintenance of Way	Y
1987	15	7	Pan Am Express	IUFA	Flight Attendants	Y
1987	15	9	Midway Airlines	IAM	Flight Dispatchers	N
1987	15	51	Midway Airlines	AFA	Flight Attendants	Y
1987	15	58	Crown Airways	CPA; ALPA	Pilots	Y
1987	15	60	Atlantic Southeast Airlines	ALPA; Other	Flight Deck Crew Members	Y
1987	15	62	Southwest Airlines	IBT; SAEA	Stock Clerks	Y
1988	15	74	Big Sky Airlines	BSMA; IAM	Mechanics & Related	Y
1988	15	76	Northwest Airlines	IAM	Senior Fuel Analyst	Y
1988	15	78	Metro Airlines	TWU; Other	Flight Attendants	N
1988	15	89	Air Jamaica	TCU	Passenger Service	Y
1988	15	92	Horizon Air	ALPA	Flight Deck Crew Members	N
1988	15	118	Pittsburgh & Lake Erie RR	TCU	Police Officers	Y
1988	15	120	Eastern Metro Express	AFA	Flight Attendants	Y
1988	15	133	Pennsylvania Airlines	AFA	Flight Attendants	Y
1988	15	152	Trans International Airlines	IBT	Pilots	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1988	15	154	City of Prineville Ry.	UTU; CPREU	Conductors	Y
1988	15	156	City of Prineville Ry.	UTU; CPREU	Brakemen	Y
1988	15	160	Arkansas & Missouri RR	BLE	Locomotive Engineers	Y
1988	15	162	Arkansas & Missouri RR	BLE	Trainmen	N
1988	15	164	River Terminal Ry.	Steelworkers; UTU	Signalmen et al.	Y
1988	15	166	River Terminal Ry.	Steelworkers; UTU	Carmen et al.	Y
1988	15	168	River Terminal Ry.	Steelworkers; UTU	Machinists et al.	Y
1988	15	177	Jetstream International	ALPA	Flight Deck Crew Members	Y
1988	15	179	Virgin Atlantic	IBT	Fleet Service	Y
1988	15	189	Simmons Airlines	IAM; Other	Fleet & Passenger Service	N
1988	15	191	Southwest Airlines	IBT; Other	Fleet Service	N
1988	15	198	Brockway Air	ALPA	Flight Deck Crew Members	Y
1988	15	200	Henson Airlines	AFA	Flight Attendants	Y
1988	15	205	Arkansas & Missouri RR	BLE	Conductors	N
1988	15	207	Air Midwest	IAM	Stock Clerks	N
1988	15	226	Westair Commuter Airlines	AFA	Flight Attendants	Y
1988	15	233	Simmons Airlines	IBT	Flight Attendants	Y
1988	15	235	Midway Airlines	IBT; IAM	Mechanics & Related	Y
1988	15	237	Midway Airlines	IBT	Stock Clerks	Y
1988	15	239	New Jersey Transit Rail Operations	UTU; BLE	Hostlers	Y
1988	15	243	Birmingham Southern RR	UTU; BLE	Firemen & Hostlers	Y
1988	15	245	Port Authority Trans Hudson Corp.	UTU; ATDA	Towermen	Y
1988	15	264	Cuyahoga Valley Ry.	UTU; Steelworkers	Diesel Shop	Y
1988	15	266	Cuyahoga Valley Ry.	UTU; Steelworkers	Clerks	Y
1988	15	268	Cuyahoga Valley Ry.	UTU; Steelworkers	Maintenance of Way	Y
1988	15	270	CCAir	AFA	Flight Attendants	Y
1988	15	272	Birmingham Southern RR	UTU; Steelworkers	Maintenance of Way	Y
1988	15	274	Aspen Airways	IAM; ALEA	Clerical	N
1988	15	281	Panorama Air Tours	IAM	Pilots	N
1988	15	303	Union Pacific RR	Jim S. Shaffer, Individual; ATDA	Train Dispatchers	N
1988	15	317	Midway Commuter	ALPA	Flight Deck Crew Members	Y
1988	15	319	Rosenbalm Aviation	IBT; Other	Flight Deck Crew Members	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1988	15	321	Express Airlines I	ALPA	Flight Deck Crew Members	Y
1988	15	326	China Airlines	TCU; Other	Fleet & Passenger Service	N
1988	15	337	Wings West	RAPA; Other	Pilots	Y
1988	15	339	Henson Airlines	IAM	Mechanics & Related	N
1988	15	341	Virgin Islands Seaplane Shuttle	HERE-GWUPR	Mechanics & Related	N
1988	15	355	Brainiff	ATDA; TWU	Flight Dispatchers	Y
1988	15	358	Orion Air	ALPA; Other	Flight Deck Crew Members	Y
1988	16	1	Atlantic Southeast Airlines	AFA	Flight Attendants	Y
1988	16	3	River Terminal Ry.	UTU; IBEW	Diesel Electricians	Y
1988	16	27	Pittsburgh & Conneaut Dock Co.	Steelworkers; APCD	Longshoremen	Y
1988	16	29	Rich International	IBT	Flight Deck Crew Members	Y
1988	16	34	Long Island RR	UTU; TCU, FICU	Carmen	Y
1988	16	51	Ann Arbor RR	UTU; BLE	Trainmen	N
1988	16	67	Birmingham Southern RR	UTU	Clerical et al.	Y
1988	16	75	Louisiana & Delta RR	UTU	Agents	N
1988	16	77	Louisiana & Delta RR	UTU	Engineers	N
1988	16	79	Louisiana & Delta RR	UTU; Other	Conductors	N
					Maintenance Operations	
1988	16	81	United Airlines	IAM	Instructors	N
1988	16	93	San Juan Airlines	ALPA	Flight Deck Crew Members	Y
1988	16	97	US Air	IBT; Other	Fleet Service	Y
1988	16	109	Canadian National Rys.	UTU; BLE	Locomotive Engineers	Y
			Chicago & North Western	Dennis E. Nolan, Individual;		
1989	16	124	Transportation Co.	ARSA-TCU	Police Officers	Y
1989	16	133	Mesaba	IAM	Mechanics & Related	N
1989	16	150	Swissair	IAM; Walter Lohri, Individual	Mechanics & Related	N
1989	16	173	International Total Services	IBT	Skycaps	N
1989	16	182	Corinth & Counce RR	UTU	Locomotive Engineers	Y
1989	16	184	Corinth & Counce RR	UTU	Trainmen	Y
1989	16	186	Corinth & Counce RR	UTU	Maintenance of Equipment	Y
1989	16	188	Corinth & Counce RR	UTU	Maintenance of Way	Y
1989	16	216	Dakota, Minnesota & Eastern	UTU	Locomotive Engineers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1989	16	218	Dakota, Minnesota & Eastern	UTU	Conductors	Y
1989	16	220	Dakota, Minnesota & Eastern	UTU	Carmen	Y
1989	16	222	Dakota, Minnesota & Eastern	UTU	Electricians	Y
1989	16	241	Norfolk & Portsmouth Belt Line RR	UTU; BLE	Locomotive Engineers	Y
1989	16	243	Norfolk & Portsmouth Belt Line RR	UTU; BLE	Firemen	Y
1989	16	245	Indiana Harbor Belt RR	UTU;BLE	Firemen	N
1989	16	247	AirTran	IBT; ALPA; Other	Pilots	N
1989	16	249	Air Wisconsin	AWPA; ALPA	Pilots	Y
1989	16	251	Westair Commuter Airlines	ALPA; IBT	Flight Deck Crew Members	Y
1989	16	253	US Air	TWU	Flight Crew Training Instructors	Y
1989	16	255	Prescott & Northwestern RR	IWA	Locomotive Engineers	N
1989	16	257	Prescott & Northwestern RR	IWA	Machinists	N
1989	16	259	Prescott & Northwestern RR	IWA	Maintenance of Way	N
1989	16	261	Prescott & Northwestern RR Philadelphia, Bethlehem & New	IWA	Boilermaker & Blacksmith	N
1989	16	263	England RR	UTU; BRC-TCU	Carmen et al.	Y
1989	16	275	Dalfort Corp.	IBT; AMFA; TWU; IAM	Mechanics & Related	Y
1989	16	286	America West	ALPA	Flight Deck Crew Members	N
1989	16	292	Markair	MAPA; ALPA	Flight Deck Crew Members	Y
1989	16	317	River Terminal Ry.	UTU; TCU	Clerks	Y
1989	16	330	Presidential Airways	PAPAC; Other	Pilots	Y
1989	16	334	Florida East Coast	IBEW	Electricians	Y
1989	16	336	Aloha Islandair	ALPA	Flight Deck Crew Members	Y
1989	16	345	Tower Air	AFA	Flight Attendants	Y
				IAM; Modesto Shop Employees		
1989	16	347	Modesto & Empire Traction Co.	Ass'n	Machinists	Y
1989	16	349	Brainiff The RR Subsidiaries of the Norfolk	IBT; IAM; AMFA; Other	Mechanics & Related	Y
1989	16	373	Southern Corp. The RR Subsidiaries of the Norfolk	TCU; Matthew Fogarty, Individual	Police Officers	N
1989	16	375	Southern Corp.	BLE; UTU; Other	Locomotive Engineers	Y
1989	16	377	Consolidated Rail Corp.	FOP; IBT	Police Officers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1989	16	459	NPA d/b/a United Express	ALPA	Flight Deck Crew Members	Y
1989	16	461	Manufacturers Ry.	BLE; UTU	Locomotive Engineers	Y
1989	16	463	Manufacturers Ry.	BLE; UTU	Firemen	Y
1989	16	481	Command Airways	APA; IBT; Other	Pilots	Y
1989	16	483	Santa Maria Valley RR	BLE; UTU	Conductor-Brakemen	Y
1989	16	485	Santa Maria Valley RR	BLE	Maintenance of Way	Y
1989	16	510	Ross Aviation	IBT	Mechanics & Related	Y
1989	16	512	Ross Aviation	IBT	Flight Attendants	Y
1989	16	514	Georgia Ports Authority	ILA	Marine Dock, Warehouse Emplc	N
1989	16	518	Ann Arbor RR	BMWE	Maintenance of Way	N
1989	17	1	CCAir	IAM; Other	Mechanics & Related	N
1989	17	3	CCAir	IAM	Stock Clerks	N
1989	17	7	Simmons Airlines	TWU; IBT; Other	Fleet & Passenger Service	N
1989	17	10	American Business Aviation	IBT	Pilots	N
1989	17	12	Duluth, Missabe & Iron Range Ry.	DM&IRRP; TCU	Patrolmen	Y
1989	17	24	Federal Express	ALPA; Other	Flight Deck Crew	N
1989	17	57	US Air	TWU; IAM	Flight Simulator Engineers	Y
1989	17	59	Buffalo & Pittsburgh RR	ATDA	Train Dispatchers	Y
1989	17	61	Buffalo & Pittsburgh RR	UTU; Other	Locomotive Engineers	N
1989	17	63	Buffalo & Pittsburgh RR	UTU; Other	Conductors	Y
1989	17	65	Buffalo & Pittsburgh RR	UTU	Brakemen	Y
1989	17	73	US Air	TWU; Other	Dispatchers	N
1990	17	75	Westair Commuter Airlines	IAM	Mechanics & Related	N
1990	17	77	United Parcel Service	IPA; IBT; Other	Flight Deck Crew Members	Y
1990	17	107	Cross Continent Aircraft Services	IBT	Stock Clerks	Y
1990	17	109	Cross Continent Aircraft Services	IBT	Mechanics & Related	Y
1990	17	127	Buffalo & Pittsburgh RR	IAM	Machinists et al.	Y
1990	17	129	Buffalo & Pittsburgh RR	IAM	Carmen	N
1990	17	134	Tennessee Southern RR	UTU	Engineers	N
1990	17	136	Tennessee Southern RR	UTU	Brakemen	Y
1990	17	138	Indiana Harbor Belt RR	Timothy T. Dowling, Individual; TCU-ARASA	Technical Engineers et al.	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1990	17	140	Sun Country	IAM	Mechanics & Related	N
1990	17	159	Louisiana & Delta RR	BLE	Trainmen	Y
1990	17	166	Southern Jersey Airways	SJPA; IBT; Other	Pilots	Y
					Flight/Ground School	
1990	17	168	Southwest Airlines	SAPIA	Instructors	Y
1990	17	170	American Eagle - Executive Air	APA; IBT; Other	Flight Deck Crew Members	Y
1990	17	172	United Parcel Service	IBT; Other	Mechanics & Related	Y
1990	17	175	Iberia Airlines	IAM; FTTE	Fleet & Passenger Service	N
1990	17	196	Trump Shuttle	AMFA; IAM	Mechanics & Related	Y
1990	17	201	Buffalo & Pittsburgh RR	UTU	Yardmasters	Y
1990	17	214	Henson Airlines	IAM	Mechanics & Related	Y
1990	17	260	Toledo, Peoria & Western Ry.	BMWE	Maintenance of Way	Y
1990	17	262	Toledo, Peoria & Western Ry.	UTU; BMWE	Signalmen	Y
1990	17	264	Toledo, Peoria & Western Ry.	UTU; Other	Conductors-Brakemen	Y
1990	17	266	Toledo, Peoria & Western Ry.	UTU; Other	Clerks	N
1990	17	268	Toledo, Peoria & Western Ry.	UTU	Carmen	Y
1990	17	270	Toledo, Peoria & Western Ry.	UTU; Other	Engineers	Y
1990	17	272	Red River Valley & Western RR	UTU	Hostlers	N
1990	17	274	Red River Valley & Western RR	UTU	Dispatchers	N
1990	17	276	Red River Valley & Western RR	UTU	Locomotive Engineers	N
1990	17	278	Air Wisconsin	TWU	Dispatchers	Y
1990	17	280	Louisiana & Delta RR	BLE	Carmen	N
1990	17	306	US Air	TWU	Maintenance Instructors	N
1990	17	308	Horizon Air	TWU	Stock Clerks	N
1990	17	310	San Francisco Belt RR	BLE; UTU	Switchmen	N
1990	17	312	Tuscola & Saginaw Bay Ry.	IBF&O; TSBREA	Clerical et al.	Y
1990	17	314	Tuscola & Saginaw Bay Ry.	IBF&O; TSBREA	Trainmen	Y
1990	17	316	Ross Aviation	IBT	Clerical	Y
1990	17	375	Dakota, Minnesota & Eastern	ATDA	Dispatchers	N
1990	17	451	Arkansas & Missouri RR	BLE; AMREA	Locomotive Engineers	Y
1990	17	468	Indiana RR	BLE	Trainmen	N
1990	17	475	Wheeling & Lake Erie RR	UTU	Yardmasters	N
1990	17	479	Wheeling & Lake Erie RR	BMWE	Maintenance of Way	N
1990	17	481	Guyana Airways	IBT	Passenger Service	Y
1990	17	483	Guyana Airways	IBT	Clerical	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1990	17	492	Toledo, Peoria & Western Ry.	UTU	Intermodal Operators	N
1990	17	518	Challenge Air Cargo	IBT	Fleet Service	Y
1990	18	32	American Eagle - Executive Air	TWU	Flight Attendants	Y
1990	18	34	Wisconsin Central	BLE	Locomotive Engineers	N
1990	18	36	Wisconsin Central	BLE	Trainmen	N
1990	18	38	Wheeling & Lake Erie RR	BLE; Other	Locomotive Engineers	N
1990	18	54	Air Jamaica	AJREA; TCU	Passenger Service	Y
1990	18	66	Stateswest Airlines	ALPA	Flight Deck Crew Members	Y
1990	18	83	Iberia Airlines	FTTE; IAM	Clerical	N
1990	18	85	Wheeling & Lake Erie RR	BRS	Signalmen	Y
1990	18	99	Buffalo & Pittsburgh RR	UTU	Clerical et al.	Y
1990	18	101	Great Lakes Aviation	GLPA	Pilots	Y
1991	18	117	DHL Airways	DHLPA; Other	Pilots	Y
1991	18	171	Aerovias de Mexico	IBT	Mechanics & Related	N
1991	18	186	Egyptair	IBT	Clerical	Y
1991	18	188	America West	AWPA; Other	Flight Deck Crew Members	N
1991	18	190	United Airlines	IAM; Other	Passenger Service	N
1991	18	205	Midway Airlines	IBT	Flight Dispatchers	Y
1991	18	207	Alaska Airlines	ADA; TWU	Dispatchers	Y
1991	18	209	Tacoma Municipal Belt Line Ry.	IBT; IBEW	Clerical et al.	N
1991	18	211	Tacoma Municipal Belt Line Ry.	IBT; IBEW	Track Maintenance	Y
1991	18	216	US Air	TWU	Dispatchers	Y
1991	18	218	El Al Israel Airlines	IAM; UEAAE	Stock Clerks	Y
1991	18	220	Command Airways	TWU; Other	Flight Attendants	Y
1991	18	224	Intertec Aviation	IBT; Other	Mechanics & Related	Y
1991	18	234	Buffalo & Pittsburgh RR	UTU; Other	Engineers	Y
1991	18	290	US Air	IBT	Fleet Service	N
1991	18	344	Dakota, Minnesota & Eastern	UTU	Signal Maintainers	N
1991	18	346	Dakota, Minnesota & Eastern	UTU	Maintenance of Way	N
1991	18	407	American Trans Air	AFA	Flight Attendants	Y
1991	18	409	Bangor & Aroostook RR	OSO; BRS	Signalmen	Y
1991	18	411	Lacsa Airlines	IBT	Security Employees	Y
1991	18	450	Winchester & Western RR	UTU	Engineers	N
1991	18	452	Winchester & Western RR	UTU	Conductor-Brakemen	N
1991	18	454	Winchester & Western RR	UTU	Carmen	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1991	18	456	Winchester & Western RR	UTU	Maintenance of Way	N
1991	18	458	Flagship Airlines Southern Pacific Transportation	TWU; APFA	Flight Attendants	Y
1991	18	480	Co.	W.H. White, Individual; TCU	Police Officers	Y
1991	18	488	Intertec Aviation	IBT	Stock Clerks	N
1991	18	500	Chicago & North Western Transportation Co.	TCU; Geoffrey B. Burke, Individual	Technical Engineers, Architects, Draftsmen & Allied	Y
1991	18	512	Air Midwest	IAM	Fleet & Passenger Service	N
1991	18	514	Mesa Airlines	ALPA	Flight Deck Crew Members	N
1991	19	62	Guilford Rail Division	UTU; IBEW	Electrical Workers	Y
1991	19	64	Guilford Rail Division	UTU; BRS; other	Signalmen	Y
1991	19	66	Guilford Rail Division	UTU; IAM	Machinists	Y
1991	19	68	Guilford Rail Division	UTU; SMWIA	Sheet Metal Workers	N
1991	19	70	Guilford Rail Division	UTU; TCU; other	Carmen	Y
1991	19	72	Guilford Rail Division	UTU; BMW; other	Maintenance of Way	Y
1991	19	74	Guilford Rail Division	UTU; TCU; other	Clerical, Station & Storehouse, T	Y
1991	19	76	Guilford Rail Division	UTU; IBB	Boilermakers-Blacksmiths	Y
1991	19	78	Guilford Rail Division	UTU; IBFO	Power House and Railway Shop	Y
1991	19	80	Guilford Rail Division	UTU; TCU	Police Officers	Y
1991	19	82	Wheeling & Lake Erie RR	UTU; other	Trainmen	Y
1991	19	84	Guilford Rail Division	ATDA	Dispatchers	N
1992	19	137	ABX Air	IBT; other	Flight Engineers	N
1992	19	142	Business Express	ALPA; other	Flight Deck Crew	Y
1992	19	150	Simmons Airlines	AFA; IBT; other	Flight Attendants	Y
1992	19	152	International Air Services	IBT	Mechanics & Related	N
1992	19	154	Wheeling & Lake Erie RR	UTU; BLE	Yardmasters	Y
1992	19	156	Wheeling & Lake Erie RR	UTU; BLE	Locomotive Engineers	Y
1992	19	180	CCAir	IBT; other	Mechanics & Related	N
1992	19	210	Ashland Railway	UTU	Trainmen	Y
1992	19	222	Trump Shuttle	TWU	Dispatchers	Y
1992	19	234	Henson Airlines	TWU	Dispatchers	N
1992	19	236	Northwest Airlines	IBT; AFA; other	Flight Attendants	Y
1992	19	252	Egyptair	IBT	Passenger Service	N
1992	19	272	Guilford Rail Division	UTU; BLE	Locomotive Engineers, Firemen	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1992	19	274	Mesaba	IAM	Mechanics & Related	N
1992	19	283	Kiamichi RR	ATDA	Trainmen	Y
1992	19	285	Kiamichi RR	ATDA	Locomotive Engineers	Y
1992	19	299	Wheeling & Lake Erie RR	BRS	Maintenance of Way	Y
1992	19	307	Trans States	IAM	Fleet & Passenger Service	N
1992	19	316	Buffalo & Pittsburgh RR	UTU	Carmen	N
1992	19	324	SAPADO (Dobbs Intl Svcs)	HERE; IBT	In-Flight Kitchen Emplooyees	Y
1992	19	326	Cedar River RR	BMWE	Maintenance of Way	Y
1992	19	328	Southwest Airlines	IBT; SAFSTA	Flight Simulator Techs	Y
1992	19	374	Horizon Air	TWU	Stock Clerks	N
1992	19	376	Express Airlines I	IAM	Fleet & Passenger	N
1992	19	378	Dakota, Minnesota & Eastern	UTU; other	Carmen	Y
1992	19	382	Great Lakes Aviation	IAM	Mechanics & Related	Y
1992	19	384	Great Lakes Aviation	IAM	Stock Clerks	N
1992	19	439	Long Island RR	TCU; IRSA	Supervisors / Foreman (Mechan	Y
1992	19	441	Long Island RR	TCU; IRSA	Dispatchers	Y
1992	19	445	Pennsylvania Commuter (Allegheny	UAW	Mechanics & Related	N
1992	19	447	Metro North Commuter RR	IBT; RCSEU	Maintenance of Way	Y
1992	19	457	Metroflight	AFA	Flight Attendants	N
1992	19	459	Trans World Express	IBT	Flight Attendants	N
1992	19	467	Guilford Rail Division	IFPTE	Tech Engineers, Architects, Drafl	Y
1992	19	469	Business Express	TWU	Dispatchers	N
1992	20	1	Southern Air Transport	IBT; other	Pilots	N
1992	20	3	Southern Air Transport	IBT; other	Flight Engineers	N
1992	20	80	Tennessee Southern RR	UTU; other	Brakemen	Y
1992	20	82	GP Express	REPA	Pilots	Y
1992	20	86	Dakota, Minnesota & Eastern	IAM	Mechanics & Helpers	N
1992	20	108	Huron & Eastern	IBF&O	Trainmen	Y
1992	20	110	Huron & Eastern	IBF&O	Engineers	N
1992	20	112	American Intl (Connie Kalitta Svcs)	IBT; IPA; ALPA	Pilots	Y
1992	20	114	American Intl (Connie Kalitta Svcs)	IBT; other	Flight Engineers	Y
1993	20	149	Huron & Eastern	IBF&O	Maintenance of Way	Y
1993	20	151	Huron & Eastern	IBF&O	Supervisors (Maint of Way)	N
1993	20	246	Southwest Airlines	IBT; ROPA	Fleet Service	Y
1993	20	264	Fox River Valley	UTU	Clerks	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1993	20	266	Fox River Valley	UTU; EPCO	Carmen	Y
1993	20	268	Fox River Valley	UTU; IBT	Conductor-Trainmen	Y
1993	20	270	Fox River Valley	UTU	Engineers	Y
1993	20	272	Fox River Valley	UTU; BMW	Maintenance of Way	Y
1993	20	274	Fox River Valley	UTU	Machinists	Y
1993	20	276	Fox River Valley	UTU	Signalmen	Y
1993	20	302	North Coast Rail Authority	TCU	Carmen	Y
1993	20	304	North Coast Rail Authority	TCU; IUOE	Engineers	Y
1993	20	306	North Coast Rail Authority	TCU; IUOE	Conductors	Y
1993	20	308	North Coast Rail Authority	TCU; IUOE	Maintenance of Way	Y
1993	20	310	North Coast Rail Authority	TCU	Supervisors (Maint of Way)	Y
1993	20	320	Crown Airways	IAM	Mechanics & Related	N
1993	20	322	Crown Airways	IAM	Stock Clerks	N
1993	20	324	Business Express	AFA	Flight Attendants	Y
1993	20	347	Trans States	TSPA; ALPA	Pilots	Y
1993	20	349	Wings West	TWU	Flight Attendants	Y
1993	20	358	Zantop International Airlines	IBT; other	Cockpit Crew Members	Y
1993	20	435	Meridian & Bigbee	UTU	Clerks	Y
1993	20	437	Air Vantage	IBT	Pilots	Y
1993	20	443	Ground Handling	IBT; RWDSU	Fleet & Passenger Service	N
1993	20	445	Florida East Coast	IBEW; FFRE	Shop Laborers	Y
1993	20	447	Toledo, Peoria & Western Ry.	BMW	Intermodal Operators	N
1993	20	462	Lufthansa German Airlines	IAM	Dispatchers	Y
1993	20	472	Huron & Eastern	IBF&O	Office, Clerical and Storehouse	Y
1993	20	482	Pittsburgh & Ohio Valley Ry.	UTU	Yardmasters	Y
1993	20	485	Critical Air Medicine	SEIU	Nurses	N
1993	20	552	Grand Airways	IBT	Pilots	Y
1993	20	554	American Trans Air	IBT; other	Flight Deck Crew	Y
1993	20	556	Floridagulf Airlines	ALPA; other	Flight Deck Crew	N
1993	20	565	Trans States	IAM	Mechanics & Related	N
1993	20	567	Chautauqua	IBT	Pilots	Y
1993	20	570	Continental Airlines	IACP; ALPA; other	Pilots	Y
1993	20	578	America West	IAM; other	Mechanics & Related	N
1993	20	599	Kiamichi RR	ATDA	Dispatchers	Y
1993	20	617	CSX Transportation	TCU; other	Police Officers Below Rank of C	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1993	20	719	CCAir	IBT	Stock Clerks	N
1993	20	721	Florida East Coast	FFRE; IBEW	Boilermakers	Y
1993	20	736	Kiamichi RR	ATDA	Maintenance of Way	Y
1993	20	738	Pittsburgh & Ohio Valley Ry.	UTU	Clerks	Y
1993	20	740	Aerovias de Mexico	IBT	Mechanics & Related	N
1993	21	1	Horizon Air	TWU	Dispatchers and Asst Dispatchers	Y
1993	21	3	Florida East Coast	FFRE; UTU	Yardmasters	Y
1993	21	5	Florida East Coast Inspections	FFRE; UTU	Auto Handlers	Y
1993	21	7	Guilford Rail Division	SMWIA	Sheet Metal Workers	Y
1993	21	29	America West	ALPA; other	Flight Deck Crew Members	Y
1993	21	47	Northwest Aerospace Training Corp	IAM; ATSA	Simulator Techs	Y
1993	21	84	Air Jamaica	TCU; AJEA	Passenger Service	Y
1993	21	91	Trans World Airlines	IAM; other	Office Clerical	N
1993	21	93	Florida East Coast	FFRE; UTU	Train and Engine Service	Y
1993	21	97	Worldwide Airline Svcs (Leisure Air)	IBT	Pilots	Y
1994	21	99	Chautauqua	IBT	Flight Attendants	Y
1994	21	101	Florida East Coast	IBEW; FFRE	Machinists	Y
1994	21	151	Florida East Coast	IBEW; FFRE; UTU	Carmen	Y
1994	21	153	Florida East Coast	IBEW; FFRE; UTU	Maintenance of Way	N
1994	21	158	Atlantic Coast Airlines	AMFA	Mechanics & Related	Y
1994	21	160	Dallas, Garland & Northeastern	UTU	Train and Engine Service	Y
1994	21	179	Buffalo & Pittsburgh RR	BRS	Signalmen	N
1994	21	181	Allegheny and Eastern	BRS	Signalmen	N
1994	21	212	San Joaquin Valley	UTU	Train and Engine Service	Y
1994	21	214	Florida East Coast	FFRE; IBEW	Signalmen	Y
1994	21	216	Central RR Company of Indiana	UTU	Dispatchers	N
1994	21	218	Central RR Company of Indiana	UTU	Maintenance of Way	N
1994	21	220	Central RR Company of Indiana	UTU	Carmen	N
1994	21	222	Central RR Company of Indiana	UTU	Engineers	Y
1994	21	224	Central RR Company of Indiana	UTU	Conductors	Y
1994	21	310	Pennsylvania Commuter (Allegheny)	UAW; other	Mechanics & Related	N
1994	21	312	Pennsylvania Commuter (Allegheny)	UAW	Stock Clerks	N
1994	21	325	Aloha Islandair	IAM	Fleet & Passenger Service	N
1994	21	327	Aloha Islandair	IAM	Dispatchers	N
1994	21	352	SkyWest	IBT; other	Flight Deck Crew	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1994	21	368	Ross Aviation	IBT	Security Agents	Y
1994	21	370	Chautauqua	IAM	Mechanics & Related	N
1994	21	372	United Feeder Service	TWU; IBT	Flight Attendants	N
1994	21	374	United Feeder Service	IBT; other	Pilots	Y
1994	21	381	Bemidji Aviation (Air Direct Charters)	IAM	Stock Clerks	Y
1994	21	383	Bemidji Aviation (Air Direct Charters)	IAM	Mechanics & Related	Y
1994	21	385	US Air	IAM; USWA	Fleet Service	Y
1994	21	388	Texas Northeastern	UTU	Train and Engine Service	Y
1994	21	395	Northwest Airlines	ATSA	Administrators of Applications	Y
1994	21	400	Ross Aviation	IBT	Dispatchers	Y
1994	21	408	US Air	USWA; other	Passenger Service	N
1994	21	414	Fort Smith RR	BLE; other	Locomotive Engineers	Y
1994	21	416	Fort Smith RR	BLE	Conductors/ Brakemen	Y
1994	21	418	Fort Smith RR	BLE	Carmen	Y
			Chicago & North Western			
1994	21	420	Transportation Co.	BLE; other	Dispatchers	Y
1994	21	451	Atlantic Coast Airlines	IAM	Fleet and Passenger Service	N
1994	21	464	Cantral Kansas RW	UTU	Train and Engine Service	Y
1994	21	467	Southern Air Transport	IBT; other	Pilots	N
1994	21	469	Southern Air Transport	IBT; other	Flight Engineers	Y
1994	21	471	America West	AFA; other	Flight Attendants	Y
1994	21	478	NY, Susquehanna and Western	BLE; other	Maintenance of Way	Y
1994	22	6	Markair	AFA	Flight Attendants	Y
1994	22	8	Trans States	IBT	Mechanics & Related	N
1994	22	10	Trans States	IBT	Flight Attendants	Y
1994	22	48	United Feeder Service	TWU; other	Fleet and Passenger Service	N
1994	22	50	Ross Aviation	IBT	Fleet and Passenger Service	N
1994	22	52	O/O Truck Sales	IBFO	Truck Drivers	N
1994	22	77	Wisconsin Central (Fox Valley and	UTU; other	Conductors	N
1994	22	79	Wisconsin Central (Fox Valley and	UTU; BLE	Engineers	N
1994	22	87	Carnival	TWU; other	Mechanics	N
1994	22	103	Newburgh and South Shore	UTU	Maintenance of Way	Y
1994	22	105	Newburgh and South Shore	UTU	Machinists	Y
1994	22	107	Newburgh and South Shore	UTU	Conductors/ Engineers	Y
1994	22	109	Tuscola & Saginaw Bay Ry.	IBFO; TSBREA	Train & Engine Service	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1994	22	116	America West	IBT	Flight Simulator Techs	N
1994	22	118	America West	TWU; other	Fleet Service	N
1995	22	124	Era Aviation	IBT; other	Pilots	N
1995	22	127	America West	IBT; other	Mechanics & Related	N
1995	22	129	Lake State Railway	TCU	Train & Engine Service	N
1995	22	153	Westair Commuter Airlines	IBT; other	Fleet and Passenger Service	N
1995	22	155	Airbus Services	TWU	Flight Simulator Techs	Y
1995	22	171	Rich International	RPA; other	Flight Deck Crew Members	Y
1995	22	173	Rich International	RPA	Flight Engineers	N
1995	22	185	Carnival	TWU	Dispatchers	N
1995	22	187	Comair	AFA	Flight Attendants	N
1995	22	194	Jetstream International	AFA	Flight Attendants	Y
1995	22	199	Canadian American RR	UTU	Engineers	Y
1995	22	201	Canadian American RR	UTU	Conductors/ Trainmen	Y
1995	22	203	Canadian American RR	UTU	Office Clerical, Station and Store	Y
1995	22	205	Mountain West	AFA	Flight Attendants	Y
1995	22	240	Red River Valley and Western	UTU	Train & Engine Service	Y
1995	22	244	Valujet	AFA	Flight Attendants	Y
1995	22	246	Soo Line	TCU; SLLCFA	Supervisors and/or Foremen (M	Y
1995	22	248	Soo Line	TCU; SLSA	Roadmasters/ Project Roadmas	N
1995	22	250	Soo Line	TCU; SLSA	Bridge and Building Supervisors	N
1995	22	258	Sun Country	ALPA	Flight Deck Crew	Y
1995	22	265	Floridagulf Airlines	ALPA	Flight Deck Crew	Y
1995	22	267	America West	TWU	Dispatchers	N
1995	22	269	Jetstream International	IAM	Mechanics & Related	Y
1995	22	271	Jetstream International	IBT	Fleet and Passenger Service	Y
1995	22	273	Valujet	IBT	Mechanics & Related	N
1995	22	275	Piedmont Airlines	IAM	Dispatchers	Y
1995	22	277	Commercial Aviation Svs of NYC	RWDSU	Aircraft Service Employees	N
1995	22	279	Federal Express	TWU	Global Operations Control Speci	N
1995	22	281	Polar Air Cargo	IBT; other	Cockpit Crew	N
1995	22	283	Astral Aviation	ALPA	Flight Deck Crew	Y
1995	22	444	Canadian American RR	BMWE	Maintenance of Way	Y
1995	22	450	Challenge Air Cargo	IBT; other	Cockpit Crew	Y
1995	22	453	United Feeder Service	TWU; other	Flight Attendants	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1995	22	455	Reeve Aleutian Airways	IBT	Flight Attendants	Y
1995	22	457	Dakota, Minnesota & Eastern	IAM; other	Carmen	N
1995	23	9	Dakota, Minnesota & Eastern	IAM	Mechanics & Helpers	N
1995	23	11	Citiserve Corp	IBT; UITA	Passenger Service	Y
1995	23	15	Ross Aviation	IBT	Stock Clerks	Y
1995	23	17	Liberty Express	ALPA; other	Flight Deck Crew	Y
1995	23	19	Willamette and Pacific	BLE	Locomotive Engineers	N
1995	23	21	Willamette and Pacific	BLE	Conductors	N
1995	23	80	Atlantic Southeast Airlines	IBT	Fleet and Passenger Service	N
1995	23	82	American Eagle	APFA; AFA; other	Flight Attendants	Y
1995	23	85	American Eagle	ALPA; APA; RAPA; other	Flight Deck Crew	Y
1996	23	90	AirTran	TWU	Dispatchers	N
1996	23	94	Eastern Idaho	BLE	Locomotive Engineers	Y
1996	23	96	Eastern Idaho	BLE	Conductors	Y
1996	23	108	United Feeder Service	IBT	Mechanics & Related	N
1996	23	115	Precision Valley Aviation and Valley	ALPA; NERPA; other	Flight Deck Crew	Y
1996	23	135	GP Express	REPA; ALPA	Flight Deck Crew	Y
1996	23	137	Great Lakes Aviation	GLPA; IBT; other	Pilots	Y
1996	23	146	Sun Country	IBT; other	Flight Attendants	Y
1996	23	162	Desert Sun	DSPU	Pilots	Y
1996	23	166	PSA	IBT	Stock Clerks	Y
1996	23	168	Emery Worldwide	IBT; other	Flight Deck Crew	N
1996	23	170	Indiana Harbor Belt RR	TCU; individual	Patrolmen	Y
1996	23	172	Great Lakes Aviation	IBT	Flight Attendants	Y
1996	23	191	America West	IBT; other	Mechanics & Related	Y
1996	23	207	Trans Continental	TCPA; IBT	Flight Deck Crew	Y
1996	23	209	Wheeling & Lake Erie RR	UTU; BRS	Machinists	Y
1996	23	211	Northwest Airlines Federal Credit U	IAM; other	Office Clerical	N
1996	23	217	Western Pacific RR	IBT	Mechanic and Related	Y
1996	23	219	Midway Airlines	TWU	Dispatchers	N
1996	23	221	Florida East Coast	IBEW; other	Maintenance of Way	N
1996	23	223	Southern Air Transport	IBT; other	Pilots	Y
1996	23	227	Air Transport International	TWU; other	Flight Deck Crew	N
1996	23	229	Air Transport International	TWU; other	Flight Engineers	N
1996	23	248	Mesaba	AMFA	Mechanics & Related	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1996	23	252	United Feeder Service	TWU	Fleet and Passenger Service	N
1996	23	254	Kansas Southwestern	UTU	Train and Engine Service	Y
1996	23	256	AirTran	ATPA	Pilots	N
1996	23	258	Union Pacific RR	BLE; other	Dispatchers	N
1996	23	307	Arkansas Midland Railroad	BLE; other	Operating / Non-operating	Y
1996	23	311	Comair	IBT; other	Flight Attendants	Y
1996	23	322	Carnival	ALPA; other	Flight Deck Crew	Y
1996	23	324	Challenge Air Cargo	IBT	Mechanics & Related	N
1996	23	326	Aloha Islandair	IAM	Mechanics & Related	N
1996	23	328	Spirit	ALPA	Flight Deck Crew	Y
1996	23	330	AirTran	IAM	Mechanics & Related	Y
1996	23	332	Rich International	RPA	Flight Engineers	Y
1996	24	1	Valujet	IBT	Mechanics & Related	Y
1996	24	3	Polar Air Cargo	ALPA; other	Flight Deck Crew	Y
1996	24	5	Ground Handling	IBT	Fleet & Passenger Service	Y
1996	24	7	Evergreen Intl	IBT; AG; other	Pilots	Y
1996	24	9	Evergreen Intl	IBT; AG; other	Flight Engineers	Y
1996	24	11	Pittsburgh and Shawmut	UTU	Train & Engine Service	N
1996	24	27	Federal Express	ALPA; FPA; other	Flight Deck Crew	Y
1996	24	29	Allegheny and Eastern	UTU	Train & Engine Service	N
1996	24	32	Kiwi Intl.	TWU; other	Flight Attendants	Y
1996	24	34	Kiwi Intl.	TWU; other	Flight Deck Crew	N
1996	24	60	Canton RR	BMWE; CLU	Maintenance of Way	N
1996	24	62	Arkansas & Missouri RR	BLE	Dispatchers	Y
1996	24	113	United Airlines	IAM	Ground Instructors	Y
1996	24	116	America West	TWU	Dispatchers	Y
1996	24	121	Montana Western	UTU	Operating/ Non-operating Empl	Y
1997	24	127	Midway Airlines	IAM	Fleet Service	N
1997	24	129	ABX Air	IBT	Flight Instructors	N
1997	24	133	Grande Aire Express	IBT; other	Pilots	Y
1997	24	135	Iowa Interstate RR	TCU	Carmen	Y
1997	24	139	South Carolina Central	UTU	Train & Engine Service	Y
1997	24	178	Trans World Airlines	IFFA; IAM; other	Flight Attendants	Y
1997	24	192	CCAir	IAM	Dispatchers	N
1997	24	194	Eastwind	IBT	Pilots	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1997	24	215	Sun World Intl	IBT	Flight Attendants	N
1997	24	233	DHL Airways	IBT; TWU	Dispatchers	Y
1997	24	236	Eastwind	IBT	Flight Attendants	Y
1997	24	238	Reno Air	IBT; other	Flight Attendants	Y
1997	24	240	Piedmont Airlines	IAM	Stores	N
1997	24	242	South Carolina Public RR	TCU	Clerical Employees	Y
1997	24	254	Eastwind	IBT	Dispatchers	Y
1997	24	279	AirTran	IAM	Stores	Y
1997	24	293	Carnival	AFA	Flight Attendants	Y
1997	24	305	Iowa Interstate RR	TCU	Electricians	N
1997	24	320	South Orient RR	UTU	Train & Engine Service	Y
1997	24	399	Union Pacific/Southern Pacific	BLE	Dispatchers	N
1997	24	401	Air Midwest	IAM; individual	Mechanics & Related	Y
1997	24	403	Air Transport International	ILA; other	Mechanics & Related	N
1997	24	405	DHL Airways	IAM	Mechanics & Related	N
1997	24	407	Wheeling & Lake Erie RR	UTU	Clerks	Y
1997	24	409	Emery Worldwide	ALPA; other	Flight Deck Crew	Y
1997	24	411	Toledo, Peoria & Western Ry.	IAM	Mechanics & Related	Y
1997	24	429	Willamette and Pacific	UTU	Train & Engine Service	N
1997	24	431	West Texas and Lubbock	UTU	Operating/ Non-operating Emplc	Y
1997	24	452	Kyle RR	UTU; other	Carmen	Y
1997	24	454	Wisconsin Central Trans. Corp.	UTU; BLE	Conductors	Y
1997	24	456	Wisconsin Central Trans. Corp.	UTU; BLE	Engineers	Y
1997	24	512	Carnival	TWU	Dispatchers	Y
1997	24	514	Nebraska Central	UTU	Train & Engine Service	Y
1997	24	516	Continental Airlines	IBT; other	Mechanics & Related	Y
1997	24	519	Mahalo Air	IAM	Pilots	N
1997	24	573	Valujet	VJPA; other	Flight Deck Crew	Y
1997	24	624	Offshore Logistics	OPEIU; other	Flight Deck Crew	Y
1997	24	627	Aeromexico	IAM	Passenger Service	N
1997	24	629	Nebraska Central	UTU	Carmen	Y
1997	24	631	Nebraska Central	UTU	Maintenance of Way	Y
1997	24	647	Union Pacific/Southern Pacific	YSC; UPUYC	Yardmasters	Y
1997	24	650	Miami Air	TWU; other	Flight Deck Crew	N
1997	24	662	Quality Aircraft Services	IAM; other	Skycaps	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1997	24	706	Horizon Air	IBT; other	Flight Deck Crew Members	Y
1997	24	719	Reno Air	ALPA; other	Flight Deck Crew	Y
1997	25	1	US Airways	CWA; other	Passenger Service	Y
1997	25	3	Fine	IBT	Flight Deck Crew	Y
1997	25	18	Frontier Airlines	IBT	Mechanics & Related	N
1997	25	20	Frontier Airlines	IBT	Stock Clerks	N
1997	25	22	America West	TWU; other	Fleet Service	N
1997	25	34	USA Jet	IBT; other	Pilots	N
1997	25	73	Atlantic & Gulf	BLE	Train & Engine	Y
1997	25	75	Indiana RR	UTU; IBT	Train & Engine Service	Y
1997	25	77	New England Central	UTU; other	Train & Engine	Y
1997	25	80	Air Transport International	IBT	Flight Deck Crew	Y
1997	25	82	AirTran	ATPA; other	Pilots	Y
1997	25	84	AirTran	IBT	Flight Attendants	N
1997	25	116	Georgia Ports Authority	IBT; other	Marine Dock, Warehouse Emplc	N
1997	25	118	Midwest Express	IBT; other	Pilots	Y
1997	25	146	Midway Airlines	ALPA; other	Flight Deck Crew	Y
1997	25	148	Aloha Islandair	TWU	Dispatchers	Y
1997	25	150	Challenge Air Cargo	IBT	Mechanics & Related	Y
1997	25	152	Challenge Air Cargo	IBT	Stock Clerks	Y
1997	25	164	Illinois & Midland	TCIU; BLE	Carmen	Y
1997	25	166	Illinois & Midland	TCIU; BLE	Clerical Office	Y
1998	25	172	I & M Rail Lnk	BRS; I & M Rail Council	Signalmen	Y
1998	25	185	I & M Rail Link	IBEW; I&MRWC	Electricians	Y
1998	25	193	AirTran	IBT	Stock Clerks	Y
1998	25	195	Atlas Air	ALPA	Flight Deck Crew	N
1998	25	239	American International Airways	IBT	Flight Attendants	N
1998	25	249	Northern Air Cargo	IBEW	Flight Deck Crew	Y
1998	25	256	Atlantic & Gulf	BMWE	Maintenance of Way	Y
1998	25	258	Atlantic & Gulf	BMWE	Signalmen	Y
1998	25	260	Northwest Aerospace Training Corp	IAM; ATSA	Simulator Techs	Y
1998	25	264	Florida East Coast	BMWE	Maintenance of Way	Y
1998	25	268	Atlantic Coast Airlines	AMFA; AMTU; other	Mechanics & Related	Y
1998	25	270	America West	IBT	Stock Clerks	N
1998	25	272	Indiana Southern	UTU	Operating & Non-Op. Employee	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1998	25	285	Columbus & Greenville Ry.	CCA	Carmen	Y
1998	25	295	Mesa Airlines	TWU	Dispatchers	N
1998	25	297	Keystone Flight Services	OPEIU	Pilots	N
1998	25	318	Alaska Airlines	AMFA; IAM; other	Mechanics & Related	Y
1998	25	322	Great Lakes Aviation	IAM	Stores Employees	Y
1998	25	335	Express Airlines I	UPIU	Flight Attendants	Y
1998	25	348	Allegheny	IBT; other	Fleet & Passenger Service	N
1998	25	350	Great Lakes Aviation	IAM	Maintenance Records	Y
1998	25	358	Dakota, Minnesota & Eastern	BMWE	Maintenance of Way	N
1998	25	361	LSG Lufthansa Services	HERE; other	In-flight Kitchen & Commissary	N
1998	25	363	Sky Trek International	IAM	Flight Attendants	N
1998	25	367	Polar Air Cargo	IBT	Mechanics & Related	N
1998	25	369	Northeast Illinois Regional	CCPA; TCU	Police	Y
1998	25	372	Tower Air	ALPA; TACCA; other	Flight Deck Crew	Y
1998	25	374	Midway Airlines	IAM; other	Fleet Service	Y
1998	25	381	Express Airlines I	IBT; other	Mechanics & Related	N
1998	25	389	Reeve Aleutian Airways	IBEW	Mechanics & Related	Y
1998	25	391	Reeve Aleutian Airways	IBEW; other	Dispatchers	N
1998	25	393	Capital Cargo	CCCA	Cockpit Crew	Y
1998	25	395	Kiwi Intl.	IBT; other	Flight Deck Crew	Y
1998	25	397	Mesaba	IAM; other	Fleet & Passenger Service	N
1998	25	411	United Airlines	IAM; other	Passenger Service	Y
1998	25	415	AmeriJet	IBT	Flight Deck Crew	N
1998	25	418	CCAir	IBT	Stock Clerks	Y
1998	25	420	ExpressOne Intl.	IBT; other	Flight Deck Crew	Y
1998	25	440	Ryan Intl.	ALPA; other	Flight Deck Crew	Y
1998	25	442	Buffalo & Pittsburgh RR	IBEW	Electricians	Y
1998	25	450	Aloha Islandair	IBT	Fleet & Passenger Service	Y
1998	25	452	Champion Air	CAPA; other	Flight Deck Crew	Y
1998	25	454	Missouri & N. Arkansas	BLE	Train & Engine	Y
1998	25	456	Allegheny	IBT; AAMA; other	Mechanics & Related	Y
1998	25	458	Allegheny	IBT	Stock Clerks	Y
1998	26	68	Frontier Airlines	AFA; In-house	Flight Attendants	N
1998	26	70	Atlantic Southeast Airlines	TWU	Dispatchers	Y
1998	26	90	San Joaquin Valley	UTU	Dispatchers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1998	26	92	Delaware-Lackawanna	BMWE	Op/ non-op employees	Y
1998	26	94	Frontier Airlines	FAPA; other	Flight Deck Crew	Y
1998	26	96	Champion Air	IBT; other	Flight Attendants	Y
1998	26	130	Miami Air	IBT; other	Flight Deck Crew	Y
1999	26	137	Alabama & Gulf Coast	BMWE	Non-operating employees	N
1999	26	139	American Trans Air	ATA; IBT; Other	Flight Deck Crew	Y
1999	26	141	Aloha Islandair	IBT	Mechanics & Related	N
1999	26	154	Midway Airlines	AFA	Flight Attendants	Y
1999	26	165	CSA Air	IBT	Flight Deck Crew	N
1999	26	167	AirTran	IBT	Stock Clerks	Y
1999	26	169	United Airlines	IAM; other	Maintenance Instructors	Y
1999	26	171	YorkRail, Inc.	IBT	Train & Engine	Y
1999	26	173	Alabama & Gulf Coast	UTU; other	Train & Engine	Y
1999	26	175	Iowa Interstate RR	BMWE	Maintenance of Way	Y
1999	26	177	AirTran	IBT	Ground Instructors	Y
1999	26	181	Eastwind	IBT	Mechanics & Related	N
1999	26	183	I & M Rail Link	IAM; I & M RWC	Machinists & Apprentices	Y
1999	26	193	CSX Transportation	ISU; ILA	Spvrs. Coal Loading	Y
1999	26	222	Atlas Air	ALPA; IBT; other	Flight Deck Crew	Y
1999	26	246	Midwest Express	AFA	Flight Attendants	Y
1999	26	255	Piedmont Airlines	IAM	Stock Clerks	Y
1999	26	257	Allegheny	IBT	Dispatchers	Y
1999	26	263	Central Oregon & Pacific	BLE	Train & Engine	N
1999	26	265	DHL Airways	IBT	Mechanics & Related	N
1999	26	267	AirTran	TWU	Dispatchers	Y
1999	26	303	San Joaquin Valley	UTU	Maintenance of Way	N
1999	26	319	Continental Airlines	IAM; other	Fleet Service	N
1999	26	321	Canadian Pacific	SCSA; TCU	Signal & Comm. Supervisors	Y
1999	26	339	Virgin Atlantic	VCWC; other	Fleet Service	N
1999	26	341	US Airways	IAM	Maintenance Training Spec.	Y
1999	26	353	Chautauqua	TWU	Dispatchers	Y
1999	26	355	ProAir	AFA; PACC	Flight Attendants	Y
1999	26	383	Continental Airlines	IBT	Flight Simulator Techs	N
1999	26	409	Allegheny	IBT; other	Fleet & Passenger Service	Y
1999	26	456	Sun Country	TWU	Dispatchers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
1999	26	458	CCAir	IBT; other	Fleet & Passenger Service	N
1999	26	460	Hacor Inc.	IBT	Flight Kitchen	Y
1999	26	462	Custom Air Transport	IBT; other	Flight Deck Crew	Y
1999	26	464	US Airways	CWA; other	Passenger Service	Y
1999	26	483	Mesaba	TWU	Dispatchers	Y
1999	26	485	SkyWest	ALPA; other	Flight Deck Crew	N
1999	26	497	Mesaba	AFA; other	Flight Attendants	Y
1999	26	499	America West	IBT	Stock Clerks	Y
1999	26	501	Frontier Airlines	TWU	Dispatchers	Y
1999	26	505	City of Prineville Ry.	AFSCME	Operating / Non-op. employees	Y
1999	27	49	Seaborne Virgin Islands	TTWIS	Fleet & Passenger Service	N
1999	27	51	Seaborne Virgin Islands	TTWIS	Mechanics & Related	Y
1999	27	53	American Trans Air	TWU	Dispatchers	Y
1999	27	70	Gulfstream	IBT; GPA; other	Pilots	Y
1999	27	72	Delta	TWU; other	Pilot Ground Instructors	Y
1999	27	74	Big Sky Airlines	UTU	Dispatchers	Y
1999	27	80	Airnet Systems	IBT; other	Pilots	N
1999	27	82	Louisiana & Delta RR	UTU; BLE	Train & Engine	Y
2000	27	112	Shuttle America	IAM	Mechanics & Related	N
2000	27	174	Executive Jet Aviation	IBT	Flight Attendants	N
2000	27	176	Sky Trek International	IBT; other	Flight Deck Crew	Y
2000	27	217	Frontier Airlines	IAM	Fleet Service	N
2000	27	221	AirTran	IAM; other	Fleet & Passenger	N
2000	27	266	Metro North Commuter RR	ACRE; UTU; other	Conductors	Y
2000	27	272	Metro North Commuter RR	ACRE; BLE	Locomotive Engineers	Y
2000	27	274	Metro North Commuter RR	ACRE; ATDD-BLE	Dispatchers	Y
2000	27	289	Petroleum Helicopters	OPEIU; other	Flight Deck Crew	Y
2000	27	291	Air Logistics	OPEIU; other	Mechanics & Related	N
2000	27	305	Frontier Airlines	AFA	Flight Attendants	N
2000	27	318	Quality Aircraft Services	IUIS	Skycaps	Y
2000	27	356	United Airlines	IAM; other	Office Clerical	N
2000	27	358	Metro North Commuter RR	ACRE; ATDD-BLE	Power Directors	Y
2000	27	360	Metro North Commuter RR	ACRE; UTU	Yardmasters	Y
2000	27	370	Comair	PAFCA	Dispatchers	N
2000	27	372	Aloha Islandair	IBT	Mechanics & Related	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2000	27	374	Aloha Islandair	IBT	Stock Clerks	Y
2000	27	376	Spirit	TWU	Dispatchers	Y
2000	27	383	AVGR Intl (United Safeguard)	IUIS	Skycaps	Y
2000	27	412	Trans World Airlines	CPFA; IAM; other	Flight Attendants	Y
2000	27	439	Mesaba	IAM; other	Fleet & Passenger Service	N
2000	27	455	Manufacturers Ry.	UTU	Train & Engine	Y
2000	27	457	Aeromexico	IAM	Passenger Service	N
2000	27	459	Continental Airlines	IACP; other	Ground School Instructors	N
2000	27	461	Air Logistics of Alaska	OPEIU; IUOE; other	Mechanics & Related	Y
2000	27	523	I & M Rail Link	TCU	Dispatchers	Y
2000	27	527	Central Oregon & Pacific	UTU; other	Train & Engine	N
2000	27	529	Executive Air Terminal	IAM; other	Mechanics & Related	Y
2000	27	563	American Trans Air	AMFA; other	Mechanics & Related	N
2000	27	568	Corporate Air	UTU; other	Pilots	N
2000	27	587	Kitty Hawk Air Cargo	KPA; other	Pilots	Y
2000	27	589	Fine Air Service	TWU	Fleet Service	Y
2000	27	591	Reading Blue Mountain and Northe	UTU; other	Train & Engine	Y
2000	27	599	Iberia Airlines	AFA	Flight Attendants	Y
2000	28	1	Continental Airlines	IACP; other	Flight Instructors	Y
2000	28	3	Delta	TWU; other	Fleet Service	N
2000	28	5	National Airlines	IAM	Fleet Service	N
2000	28	21	Finger Lakes RR	BLE	Train & Engine	N
2000	28	23	Air Wisconsin	TWU	Dispatchers	N
2000	28	33	Spirit	AFA	Flight Attendants	Y
2000	28	35	PATH	RITU; TCU	Carmen	Y
2000	28	37	PATH	RITU; TCU	Electricians	Y
2000	28	39	PATH	RITU; TCU	Machinists	Y
2000	28	48	Shuttle America	IBT; other	Flight Deck Crew	Y
2000	28	63	Terminal RR Association	Individual; TCU	Car Department Foreman	Y
2000	28	65	Terminal RR Association	Individual; TCU	Mechanical Foremen	Y
2000	28	67	Terminal RR Association	Individual; TCU	Bridge & Building Formen	N
2000	28	69	United Parcel Service	TWU	Dispatchers	Y
2000	28	71	Fine Air Services	IBT; APA	Flight Deck Crew	Y
2000	28	73	Tradewinds	TACCA; other	Flight Deck Crew	Y
2000	28	80	Transmeridian	TPC; other	Pilots	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2000	28	89	Express Airlines I	AMFA	Mechanics & Related	N
2000	28	151	Atlantic Southeast Airlines	IAM; other	Mechanics & Related	N
2000	28	153	Montana Rail Link	ATDD-BLE; other	Dispatchers	Y
2001	28	212	SEPTA	BLE; UTU	Conductors	Y
2001	28	214	National Airlines	IBT; other	Mechanics & Related	N
2001	28	267	CCAir	IBT	Fleet & Passenger Service	N
2001	28	281	Terminal RR Association	UTU; BLE; other	Train & Engine	Y
2001	28	284	American Trans Air	IAM; other	Fleet Service	Y
2001	28	307	Continental Airlines	TWU	Flight Simulator Techs	Y
2001	28	345	St. Louis Helicopter	OPEIU	Flight Deck Crew	Y
2001	28	349	AmeriJet	IBT; other	Pilots	N
2001	28	353	Wheeling & Lake Erie RR	CSCDSC; UTU	Clerks	Y
2001	28	367	Miami Air	AFA	Flight Attendants	Y
2001	28	369	Express Airlines I	PACE; other	Fleet & Passenger	N
2001	28	397	Paducah & Louisville RR	UTU; BLE	Train & Engine	Y
2001	28	429	Foreign & Domestic Car Services	IBT; other	Rail Freight Loaders	Y
2001	28	463	Mercy Air Services	IAEP	EMS Employees	N
2001	28	465	Air Methods	OPEIU	Flight Deck Crew	N
2001	28	471	Executive Jet Aviation	IBT; other	Flight Attendants	Y
2001	28	485	US Airways	IAM; other	Engineers & Related	N
2001	28	527	Frontier Airlines	IBT; other	Mechanics & Related	Y
2001	28	531	Indiana & Ohio	BLE	Train & Engine	Y
2001	28	579	American Trans Air	IAM; other	Stock and Stores	N
2001	28	589	Midway Airlines	IAM; other	Mechanics & Related	N
2001	28	601	American Eagle	CWA	Passenger Service	N
2001	28	624	North Central Texas Services (Care	OPEIU	Pilots	Y
2001	29	41	Frontier Airlines	IBT	Stock & Stores	N
2001	29	49	Meridian Southern	BLE	Train & Engine	Y
2001	29	51	Canadian Pacific	SLSCA; TCU	Signal & Comm. Supervisors	N
2001	29	53	Iberia Airlines	IAM	Mechanics & Related	Y
2001	29	103	Industrial Helicopters	OPEIU	Flight Deck Crew	Y
2001	29	128	Dakota, Minnesota & Eastern	BMWE	Maintenance of Way	N
2001	29	130	Dakota, Minnesota & Eastern	BMWE; other	Mechanics & Helpers	N
2001	29	132	Central Oregon & Pacific	IAM; other	Train & Engine	N
2001	29	134	National Airlines	IAM; other	Fleet Service	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2001	29	136	Mercy Air Service	IAEP	Nurses & Paramedics	N
2001	29	138	Alabama & Gulf Coast	AGCTE; UTU	Train & Engine	Y
2002	29	156	Pakistan International	IBT	Office Clerical	Y
2002	29	158	Pakistan International	IBT	Passenger Service	Y
2002	29	179	AirTran	IBT; other	Fleet & Passenger	N
2002	29	184	Raytheon Travel Air	IBT; other	Pilots	N
2002	29	186	Rail-Term	IBT	Freight Loaders & Handlers	Y
2002	29	188	Midwest Express	AMFA	Mechanics & Related	N
2002	29	190	Delta	AFA; other	Flight Attendants	N
2002	29	192	American Trans Air	AMFA; other	Mechanics & Related	Y
2002	29	194	Westours	IBT	Carmen	Y
2002	29	214	Iberia Airlines	IAM	Dispatchers	Y
2002	29	221	Gemini	ALPA; other	Flight Deck Crew	Y
2002	29	236	Air Logistics	OPEIU; other	Mechanics & Related	N
2002	29	301	Vanguard	IAM	Flight Attendants	N
2002	29	316	Hawaiian	AMFA; IAM	Mechanics & Related	Y
2002	29	318	USA 3000	IBT; other	Pilots	Y
2002	29	324	NY, Susquehanna & Western	BRS	Signalmen	N
2002	29	326	Air Wisconsin	TWU	Dispatchers	Y
2002	29	328	Frontier Airlines	AFA	Flight Attendants	N
2002	29	353	California Northern	UTU	Train & Engine	Y
2002	29	382	Champion Air	IBT	Dispatchers	Y
2002	29	384	Horizon Air	AMFA; TWU	Mechanics & Related	Y
2002	29	396	Puget Sound & Pacific	UTU	Train & Engine	Y
2002	29	404	Texas Mexican Ry.	BLE; UTU	Train & Engine	Y
2002	29	406	Pan Am	IAM; other	Mechanics & Related	N
2002	29	408	Delta	Individual; TWU	Pilot Ground Instructors	N
2002	29	442	Cape Air (Hyannis Air Service)	IBT	Pilots	N
2002	29	480	Indiana Southern	BLE	Train & Engine	Y
2002	30	24	United Airlines	IFPTE	Engineers	Y
2002	30	26	York Railway	IBT; UTU	Train & Engine	Y
2002	30	28	Metro North Commuter RR	ACRE; BRS	Signalmen	Y
2002	30	78	America West	IBT; other	Passenger Service	N
2002	30	80	Shuttle America	AFA	Flight Attendants	N
2002	30	82	Midwest Express	IBT	Stock Clerks	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2002	30	153	Fort Worth & Western	UTU; other	Train & Engine	Y
2002	30	155	Iowa, Chicago & Eastern	IBT/IBLE; other	Train & Engine	Y
2003	30	176	Chicago Express	ALPA	Flight Deck Crew	N
2003	30	178	American Trans Air	IBT	Stock and Stores	N
2003	30	180	US Airways	IAM; other	Inflight Training Specialists	N
2003	30	182	Southwest Airlines	AMFA; IBT	Mechanics & Related	Y
2003	30	184	Dallas, Garland & Northeastern	UTU	Clerks	Y
2003	30	237	Pakistan International	IBT	Mechanics & Related	Y
2003	30	239	Utah Railway	BLE; UTU	Train Service	Y
2003	30	294	Northeast Illinois Regional	ICPS; MAP; CCPA	Police	Y
2003	30	306	Atlantic Coast Airlines	TWU	Dispatchers	N
2003	30	308	Great Lakes Aviation	IBT	Dispatchers	Y
2003	30	366	Pinnacle	PACE; other	Fleet & Passenger	Y
2003	30	388	ITS Aviation Svcs	IAM	Screeners	N
2003	30	390	Northwest Airlines	PFAA; IBT; other	Flight Attendants	Y
2003	30	403	Montreal, Maine & Atlantic	BMWE	Maintenance of Way	N
2003	30	427	United Airlines	AMFA; IAM, other	Mechanics & Related	Y
2003	30	429	St. Lawrence & Atlantic	IBT/IBLE; other	Train & Engine	Y
2003	30	449	CommutAir	ALPA	Pilots	N
2003	30	461	TransAir (Trans Executive dba Scer)	IBT	Pilots	Y
2003	30	477	USA 3000	IBT	Mechanics & Related	N
2003	30	479	Air Methods	OPEIU	Flight Deck Crew	Y
2003	31	7	Great Western Rwy of Colorado	IBT/IBLE	Train & Engine	N
2003	31	20	Piedmont Airlines	CWA; other	Fleet & Passenger	N
2003	31	39	Pinnacle	TWU	Dispatchers	N
2003	31	62	NY & Atlantic	IBT/IBLE; UTU	Train & Engine	Y
2003	31	65	Astar	IBT	Ground Instructors	Y
2003	31	67	American Airlines	TWU; PAFCA	Dispatchers	Y
2003	31	91	AMTRAK	FOP; AFRP	Police Officers	Y
2003	31	93	Wheeling & Lake Erie RR	Individual; UTU	Yardmasters	Y
2003	31	99	Canadian Pacific	SETA	Technical Engineers	N
2003	31	101	South Central Florida Express	IBT/IBLE	Train & Engine	N
2004	31	110	AVGR Intl (United Safeguard)	TWU; IUISTHE	Skycaps	N
2004	31	123	North American Airlines	IBT; other	Pilots	Y
2004	31	143	USA Jet	UAW	Pilots	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2004	31	242	Southeast	IBT	Pilots	Y
2004	31	299	Portland & Western	BLET	Train & Engine	Y
2004	31	301	Southwest Airlines	IBT; AMFA	Flight Simulator Techs	Y
2004	31	308	Midwest Airlines	IBT	Stock Clerks	N
2004	31	322	American Trans Air	IAM; other	Stock & Stores	Y
2004	31	342	Mesa Airlines	TWU	Dispatchers	N
2004	31	344	Chicago Express	AFA	Flight Attendants	N
2004	31	348	SkyWest	UPA; other	Flight Deck Crew	N
2004	31	355	Cape Air (Hyannis Air Service)	IBT; other	Pilots	N
2004	31	357	Mesaba	TWU; other	Fleet Service	N
2004	31	359	Louisville & Indiana	BLET	Train & Engine	Y
2004	31	378	Midwest Airlines	IBT; other	Mechanics & Related	N
2004	31	382	AmeriJet	IBT	Pilots	Y
2004	31	384	AmeriJet	IBT	Flight Engineers	Y
2004	31	460	Frontier Airlines	IBT	Stock Clerks	N
2004	31	462	Jet Linx Aviation	JLPG	Pilots	Y
2004	31	464	Wheeling & Lake Erie RR	BLET; UTU	Train Service	Y
2004	31	467	America West	IBT; other	Passenger Service	Y
2004	31	470	Wheeling & Lake Erie RR	Individual; UTU	Clerks	Y
2004	31	474	CJ Systems Aviation Group	OPEIU	Flight Deck Crew	N
2004	31	597	New England Central	BLET; UTU	Train & Engine	Y
2004	32	16	Huron & Eastern	TCU; other	Train & Engine	N
2004	32	19	St. Lawrence & Atlantic	BLET	Locomotive Maintenance	Y
2004	32	67	Columbus & Greenville Ry.	TOPS	Train & Engine	Y
2004	32	69	Piedmont Airlines	IBT-CWA	Fleet & Passenger	N
2004	32	71	American Connection (Corporate A	IBT	Pilots	Y
2004	32	73	New Orleans & Gulf Coast	BLET	Train & Engine	Y
2004	32	122	Piedmont Airlines	IBT; IAM	Mechanics & Related	Y
2004	32	124	Piedmont Airlines	IBT; IAM	Stock Clerks	N
2004	32	126	Piedmont Airlines	IBT; IAM	Dispatchers	Y
2005	32	129	Executive Air Terminal	IAM,; Individual	Mechanics & Related	Y
2005	32	159	Louisiana & Northwest RR	UTU; other	Train & Engine	Y
2005	32	191	Montreal, Maine & Atlantic	BMWE-IBT	Signalmen	Y
2005	32	193	Montreal, Maine & Atlantic	BMWE-IBT	Maintenance of Way	N
2005	32	195	Carolina Piedmont	UTU	Train & Engine	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2005	32	202	Frontier Airlines	AFA; other	Flight Attendants	N
2005	32	204	Continental Airlines	TWU; other	Fleet Service	N
2005	32	206	Saudi Arabian	IAM	Dispatchers	Y
2005	32	208	Pinnacle	TWU	Dispatchers	Y
2005	32	212	Wisconsin & Southern	BLET	Train & Engine	N
2005	32	228	North American Airlines	IBT	Flight Attendants	Y
2005	32	230	Chicago, Ft. Wayne & Eastern	BLET	Train & Engine	Y
2005	33	1	Ft. Worth & Western	Individual; UTU	Train & Engine	Y
2005	33	12	Ryan Int'l	TWU; other	Flight Dispatchers	Y
2005	33	14	Alabama & Tenn River	UTU	Train & Engine	Y
2005	33	16	Cedar River RR	BLET	Train & Engine	Y
2005	33	18	Alabama & Gulf Coast	UTU; AGCTE	Train & Engine	Y
2005	33	20	NY, Susquehanna & Western	BRS	Signalmen	Y
2005	33	22	AirTran	IBT; other	Fleet & Passenger	N
2006	33	41	Sand Springs Ry.	Individual	Clerks	N
2006	33	43	Panhandle Northern	BLET	Train & Engine	Y
2006	33	79	South Kansas & Oklahoma	BMWE-IBT	Maintenance of Way & Structure	Y
2006	33	81	Empire Aero Center	USWA	Mechanics & Related	N
2006	33	83	Jet Linx Aviation	Individual	Pilots	N
2006	33	85	Nebraska, Kansas & Colorado	UTU; other	Train & Engine	N
2006	33	89	GoJet	IBT	Pilots	Y
2006	33	91	Flight Options	IBT; other	Pilots	Y
2006	33	147	Frontier Airlines	IBT	Stock Clerks	Y
2006	33	149	Union Pacific RR	ATDA; other	Train Dispatchers	N
2006	33	172	Appalachian & Ohio	UTU	Train & Engine	N
2006	33	178	Montreal, Maine & Atlantic	BLET	Train & Engine	Y
2006	33	183	Stillwater Central	BLET	Train & Engine Service	N
2006	33	189	Air Logistics	OPEIU; other	Mechanics & Related	N
2006	33	216	Huron & Eastern	BLET	Train & Engine	Y
2006	33	219	Central Oregon & Pacific	BLET	Train & Engine	N
2006	33	241	GoJet	IBT; other	Flight Attendants	N
2006	33	289	Northwest Airlines	AFA; PFAA; other	Flight Attendants	Y
2006	33	291	Cape Air (Hyannis Air Service)	IBT	Pilots	Y
2006	33	301	Gulfstream	IAM; other	Flight Attendants	Y
2006	33	303	American Eagle	TWU; other	Ground School Instructors	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2006	33	305	Georgia & Florida	UTU	Train & Engine	Y
2006	33	359	Piedmont Airlines	IBT	Stock Clerks	Y
2006	34	9	Continental Airlines	TWU; other	Fleet Service	N
2006	34	19	Gulfstream	IAM; other	Fleet Service	N
2006	34	54	Frontier Airlines	IBT; other	Flight Attendants	N
2006	34	56	Allegiant	AFA	Flight Attendants	N
2006	34	58	Timber Rock	UTU	Train & Engine	Y
2007	34	94	Carolina Piedmont	UTU	Train & Engine	Y
2007	34	112	Montana Rail Link	ATDA	Yardmasters/ Asst Trainmasters	Y
2007	34	134	Champion Air	IBT	Mechanics & Related	Y
2007	34	136	PATH	IBEW	Transportation Ops Examiners	N
2007	34	138	PSA	TWU	Flight Dispatchers	Y
2007	34	140	PSA	IAM	Stock Clerks	N
2007	34	163	CN-Wisconsin Central Transportati	WDYA; UTU	Yardmasters	Y
2007	34	165	Talleyrand Terminal	BLET	Train & Engine	Y
2007	34	167	M & B	BLET	Train & Engine	N
2007	34	169	M & B	BMWE-IBT	Maintenance of Way	Y
2007	34	171	M & B	BMWE-IBT	Carmen	N
2007	34	173	Florida Central	UTU	Operating Employees	N
2007	34	184	Copper Basic	BLET	Train & Engine	N
2007	34	186	Talleyrand Terminal	BLET	Maintenance of Way	Y
2007	34	188	Alaska Airlines	TWU	Flight Crew Training Instructors	N
2007	34	193	Colgan	ALPA; other	Pilots	N
2007	35	1	Pinnacle	PDSSA; TWU	Dispatchers	Y
2007	35	3	Tomahawk	BLET	Train & Engine Service	N
2007	35	7	Omni Air	IBT; other	Flight Deck Crew	Y
2007	35	9	SkyWest	ALPA; other	Flight Deck Crew	N
2008	35	38	Stillwater Central	BMWE-IBT	Maintenance of Way	Y
2008	35	40	Saudi Arabian	IAM	Passenger Service	N
2008	35	49	Continental Airlines	TWU; other	Fleet Service	N
2008	35	51	Skyway	IBT	Flight Attendants	Y
2008	35	55	Talleyrand Terminal	BLET	Non-operating employees	N
2008	35	57	South Buffalo Ry.	UTU	Yardmasters	N
2008	35	80	CommutAir	IAM	Flight Attendants	Y
2008	35	82	Compass	AFA	Flight Attendants	N

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2008	35	84	North Carolina & Virginia	IAM	Non-operating employees	Y
2008	35	86	North Carolina & Virginia	IAM	Operating Employees	Y
2008	35	88	Piedmont Airlines	CWA; other	Fleet & Passenger	N
2008	35	90	Connecticut Southern	BLET	Train & Engine Service	Y
2008	35	96	Tradewinds	IBT; TACCA	Flight Deck Crew	Y
2008	35	98	Piedmont Airlines	IBT; IAM	Flight Dispatchers	Y
2008	35	125	United Airlines	IBT; AMFA; other	Mechanics & Related	Y
2008	35	135	US Airways	ALPA; USAPA; other	Pilots	Y
2008	35	156	AmeriJet	APG; IBT	Pilots	Y
2008	35	161	Illinois & Midland	BLET; UTU	Train & Engine Service	Y
2008	35	163	Empire Airlines	IFPA; other	Pilots	N
2008	35	165	First Coast	UTU	Train & Engine Service	Y
2008	35	167	CommutAir	ALPA; other	Flight Deck Crew	Y
2008	35	169	Wisconsin Central	ATDA	Train Dispatchers	Y
2008	35	171	Corporate Air	IFPA; other	Pilots	N
2008	35	180	Delta	AFA	Flight Attendants	N
2008	35	182	Union Pacific RR	ATDA; other	Train Dispatchers	N
2008	35	184	Stillwater Central	UTU	Train & Engine Service	N
2008	35	186	CMC	UTU	Train & Engine Service	N
2008	35	188	DeQueen & Eastern RR	ATDA	Maintenance of Way	Y
2008	35	241	Austin Western	BLET	Train & Engine Service	N
2008	35	243	Northern Air Cargo	IBT; other	Cockpit Crew	Y
2008	35	256	GoJet	IBT; other	Flight Attendants	N
2008	36	12	Iowa North	UTU	Train & Engine	Y
2008	36	18	Western NY & Pennsylvania	BLET	Train & Engine	Y
2008	36	22	South Central Florida Express	IAM	Operating employees	Y
2008	36	24	Colgan	ALPA; other	Flight deck crew	Y
2008	36	26	South Central Florida Express	IAM	Maintenance of Way	Y
2008	36	28	South Central Florida Express	IAM	Mechanical Employees	Y
2008	36	30	South Central Florida Express	IAM	Office Clerical	Y
2008	36	32	Atlas/Polar Air Cargo	IBT; ALPA; other	Flight Deck Crew	Y
2009	36	34	Ryan Int'l	AFA	Flight Attendants	Y
2009	36	58	Lynx Aviation	AFA	Flight Attendants	Y
2009	36	62	Aloha Air Cargo (Aeko Kula)	MC; IAM	Mechanics & related	N
2009	36	68	Atlas/Polar Air Cargo	IBT	Flight Dispatchers	Y

Note: Run-off elections and elections with special ballots not included.

RLA Election Results

YEAR	NMB Vol.	PAGE	EMPLOYER	UNION(S)	CRAFT OR CLASS	UNION CERTIFIED?
2009	36	70	JetBlue	JBPA	Cockpit Crew Members	N
2009	36	82	US Airways	TWU	Airport Services Training Instruc	N
2009	36	86	Iowa, Chicago & Eastern	UTU; BLET; Other	Train & Engine	Y
2009	36	88	Delta-Northwest	NAMA	Meteorologists	N
2009	36	90	Delta-Northwest	PAFCA; TWU	Flight Dispatchers	Y
2009	36	94	Great Lakes Aviation	UTU; IBT; Other	Pilots	Y
2009	36	96	Great Lakes Aviation	UTU; IBT	Flight Attendants	Y
2009	36	102	Aeko Kula (dba Aloha Air Cargo)	IBT; IAM	Fleet Service	Y
2009	36	104	Aeko Kula (dba Aloha Air Cargo)	IBT; IAM	Stock Clerks	N
2009	36	106	Horizon Air	IBT; AMFA	Mechanics & Related	Y
2009	36	110	Cape Air (Hyannis Air Service)	CAPA; IBT, Other	Pilots	Y
2009	36	112	Timber Rock	TRRU; UTU	Train & Engine	Y
2009	36	117	Jefferson Warrier	USW	Operating employees	Y
2009	36	119	Jefferson Warrier	USW	Non operating employees	N
2009	36	121	Center for Emergency Medicine	IAM	Mechanics & related	N
2009	36	130	Alabama & Gulf Coast	UTU	Maintenance of Way	Y
2009	36	132	Stillwater Central	UTU	Train & Engine Service	Y
2009	36	134	Progressive Rail, Inc.	UTU	Train & Engine Service	Y
2009	36	143	Lynx Aviation	UTU	Pilots	Y
2009	36	145	Comair	TWU	Dispatchers	N
2009	37	1	USA 3000 Airlines	AFA	Flight Attendants	Y
2009	37	22	Liberty Helicopters, Inc.	IAM	Mechanics & Related	Y
2009	37	23	Chicago, Ft. Wayne & Eastern	BRS	Signalmen	N
2009	37	25	Air Transport International	ALPA; IBT	Flight Deck Crew Members	Y
2009	37	63	Compass Airlines	AFA	Flight Attendants	Y
2009	37	75	PATH	IBEW	Transportation Ops Examiners	Y
2009	37	79	North American Airlines	ALPA; IBT	Flight Deck Crew Members	Y
2009	37	81	Ohio Central Railroad	BLET	Train and Engine Service	Y
2009	37	83	Austin Western	BLET	Train and Engine Service	Y

Note: Run-off elections and elections with special ballots not included.

DELTA EXHIBIT
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Prepared Statement for the National Mediation Board Open Meeting
Re: RLA Rulemaking Docket No. C 6964
By Dr. Kate Bronfenbrenner
Director of Labor Education Research
Cornell School of Industrial and Labor Relations
December 7, 2009

I would like to thank the National Mediation Board for this opportunity to submit my comments regarding the proposed amendment to the Railway Labor Act (RLA) to allow the majority of valid ballots cast in RLA elections to determine the craft or class representative.

For the last twenty years, I have conducted a series of in-depth national studies which examine union and employer behavior and public policy in public and private-sector certification election campaigns. This research has served a major role in informing discussions on labor law reform and the impact of trade and investment policy on wages and employment.¹ This last year I completed the first and only comprehensive study of organizing under the Railway Labor Act, NLRB, and the public sector. Because we collected in-depth data on employer and union tactics, election background, and company and unit characteristics, these data provide important insight into how and why the rule change you are considering will have such significant implications for workers covered under the RLA.² For, as our data will clearly show, without this rule

¹See Kate Bronfenbrenner. "No Holds Barred: The Intensification of Employer Opposition to Organizing," Economic Policy Institute Working Paper no. 235, 2009; "Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing" Commissioned Research Paper and Supplement to *The U.S. Trade Deficit: Causes, Consequences and Recommendations for Action*, Washington, D.C.: U.S. Trade Deficit Review Commission, November, 2000; "The Effect of Plant Closings and the Threat of Plant Closings on Worker Rights to Organize" Supplement to *Plant Closings and Workers Rights: A Report to the Council of Ministers by the Secretariat of the Commission for Labor Cooperation*, Dallas, TX, Bernan Press: June, 1997; *Organizing to Win: New Research on Union Strategies*, Editor (with Sheldon Friedman, Richard Hurd, Rudy Oswald, and Ron Seeber), Ithaca, N.Y.: ILR Press, January, 1998; "Employer Behavior in Certification Elections and First Contracts: Implications for Labor Law Reform" in Sheldon Friedman, Richard Hurd, Rudy Oswald, and Ronald Seeber, eds., *Restoring the Promise of American Labor Law*. Ithaca NY: ILR Press, 1994, pp. 75-89; Kate Bronfenbrenner and Tom Juravich. "The Impact of Employer Opposition on Union Certification Win Rates: A Private/Public Comparison," Economic Policy Institute Working Paper No. 113, 1995; and (with Tom Juravich) *Union Organizing in the Public Sector: An Analysis of State and Local Elections*, Ithaca, New York: ILR Press, 1995.

² Data for this study was collected from a sample of all 94 certification elections and card check campaigns supervised by the NMB which occurred in units with fifty or more eligible voters between January 1, 1999 and

change, voter suppression will continue to interfere with the laboratory conditions the NMB is supposed to provide workers voting under the RLA, and those voting under RLA will be denied their full democratic right to choose whether they want union representation.

Current RLA certification process is contrary to US democratic traditions

The current RLA certification process stands alone among all union and other voting procedures in this country in both the public and private sectors. Unlike any other election process, if you don't vote, or are unable to vote, or even were not aware there was a vote, you are assumed to have voted no. The union must win 50 percent plus one of eligible voters in the craft or class (including those on furlough who may be impossible to reach) rather than 50 percent plus one of those who cast valid ballots.

The US is a country where the majority vote standard of 50 percent plus one has a unique history, value, and tradition. We have majority vote in our legislative system rather than a parliament, and we have exclusive representation under our labor laws rather than minority unionism. Fifty-percent plus one is a concept that everyone understands whether it be for elections or card check it is the bar that has to be reached in order to win an election or win certification. It is one where every individual's vote matters because if just one person doesn't make it to the polls or does not sign a card the outcome could be just 50 percent or a tie, which in most cases means the union loses. Every vote counts.

In elections where the voting standard is 50 percent plus one of votes cast the goal of both sides is to get the highest turnout possible. Thus under the NLRB, turnout averages quite high, at 88 percent, with the union working hard to get every single union supporter to the polls or to remember to mail their ballot in, while the employer does the same with no votes.

However, the nature of RLA voting rules causes something very different and inherently undemocratic to occur. While unions still focus their efforts on getting yes votes to the polls, the employer efforts shift to suppressing voter turnout—either by confusing voters about the election procedure or by getting voters to destroy their ballots.

December 31, 2003. Using a combination of in-depth surveys with lead organizers; personal interviews; on-line research, and the collection of primary documents such as union and employer campaign documents, election interference charges and NMB and court determinations, and copies of first contracts, we compiled detailed information on the election background, company characteristics, employer and union tactics, unit background, and election outcome for these cases. The surveys were conducted via phone, mail, on-line, and email with a response rate of 59 percent. For a more in-depth discussion of our method see "No Holds Barred," Bronfenbrenner 2009. My primary research assistants for the RLA study were Austin Zwick and Troy Pasulka.

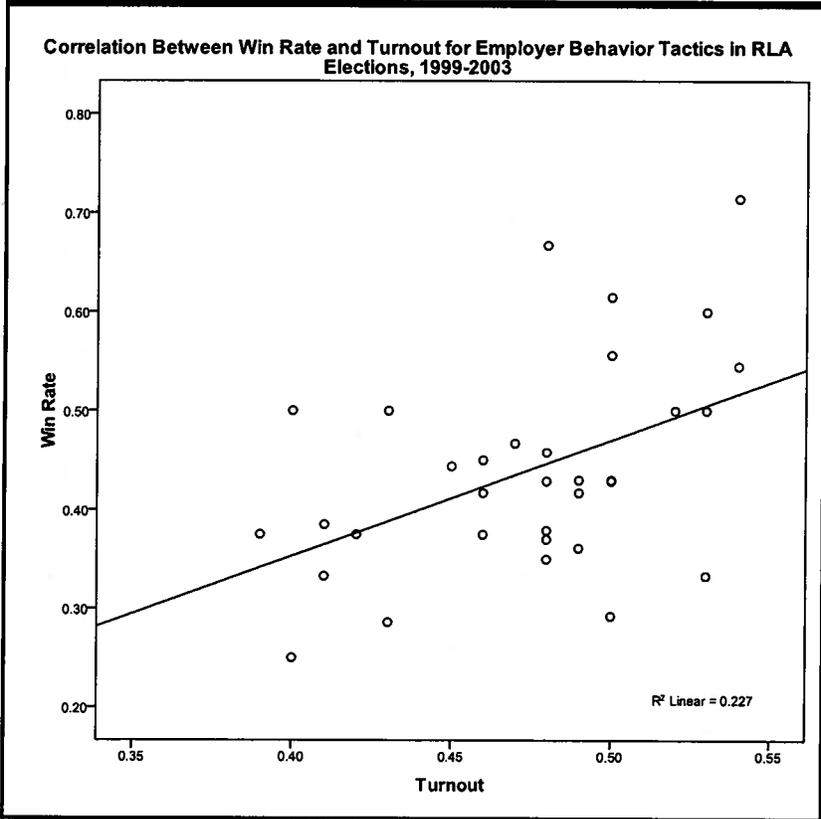
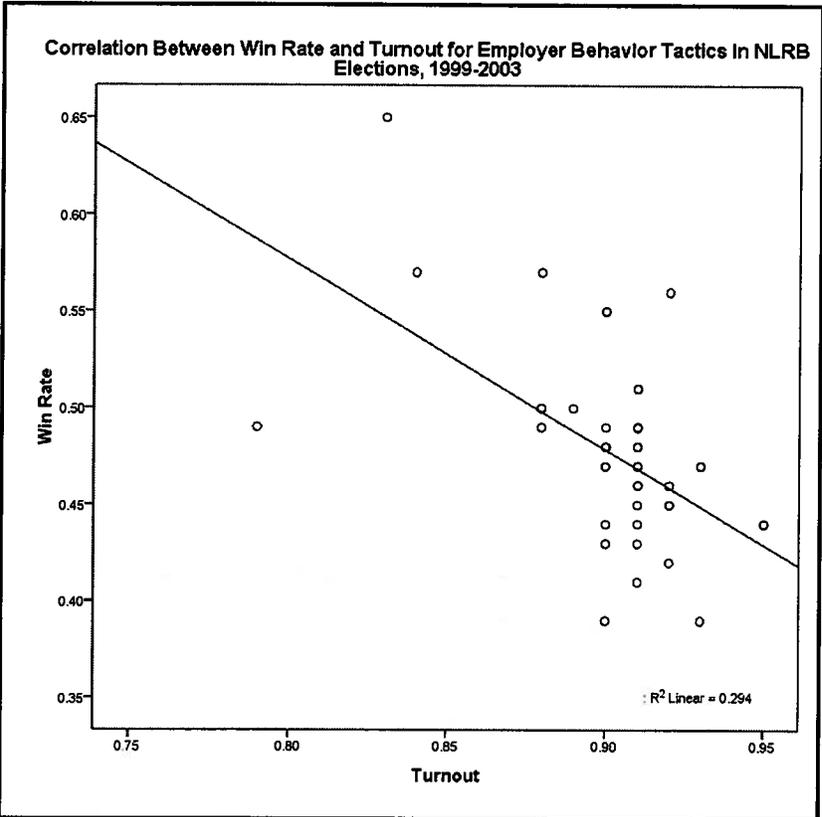
Employer voter suppression under the RLA

As described in Table 1 in the Appendix, employer suppression takes many forms under the RLA, including making positive changes in personnel, wages and working conditions so as to make a union seem less necessary; making it more difficult to organize or vote through transferring workers, initiating layoffs, and threatening bankruptcy; and suppressing the vote either through urging workers to tear up their ballots or providing misleading information about election procedures. This is all separate and beyond the majority of campaigns where the employer intimidates, threatens, harasses, coerces, and retaliates against union supporters to try to dissuade them from voting for the union.

When examined in isolation each of these individual tactics may appear to not have a significant impact on election turnout or outcome. But these tactics are not used in isolation. Close to half of the RLA campaigns in our sample used five or more anti-union tactics and 27 percent used ten or more. Although this is slightly less aggressive than employer opposition under the NLRB, voter suppression and coercion tactics done under the NMB voting standard carry even greater weight because every vote not cast can have a much greater impact where the bar it takes to win is set so much higher.

To illustrate this point further, the charts on the following page offer a comparison, with results from our RLA sample on the bottom and our NLRB sample on the top. The findings show the correlation between between union win rates and election turnout for all employer tactics that occurred in at least 10 percent of elections in the sample.³ RLA elections have a positive statistically significant correlation between turnout and win rates, with win rates increasing as voter turnout increases. In contrast, NLRB elections have a negative statistically significant correlation, with union win rates decreasing as voter turnout increases. The slope of employer tactics follows the same direction as win rates suggesting that for RLA campaigns, increases in voter suppression tactics are associated with lower turnout and lower win rates, while for NLRB elections, more aggressive and coercive employer tactics are associated with higher turnout and and lower win rates.

³ Each different tactic used is represented by a circle. R2 was .0294 for NLRB and .227 for RLA. Both were significant at a .01 level in a two tailed test. For details on NLRB tactics see “No Holds Barred” Bronfenbrenner 2009



The different anti-union strategies utilized by employers in elections supervised by the NLRB and the NMB are a direct result of the requirement to have a minimum of 50 percent plus one of votes cast in RLA elections versus 50 percent of eligible voters in NLRB elections. Perhaps most disturbing of all is that the single most effective strategy being used by employers to suppress union votes is legal – namely campaigns urging voters to destroy their ballots. It is also pervasive. We found that employers used this tactic with at least one or more voters in 67 percent of our sample. Ripping up ballots is a perfect example of just how undemocratic the current RLA process is. Because once that ballot has been torn up it represents a no vote even if the voter changes his or her mind. In the same vein ardent union supporters cannot stop their vote from counting as a no vote if because of misinformation they do not send in their ballot on time.

I believe our data conclusively show that as long as the current rules remain in place voter suppression will continue to interfere with the laboratory conditions that the RLA is supposed to maintain to give workers a chance to choose whether they want union representation free from interference and intimidation. Current policy does not accurately measure the union choices of workers under the RLA.

Thank you for your consideration of this important issue. I am happy to provide you more information and data if you have any further questions or concerns.

Dr. Kate Bronfenbrenner
Director of Labor Education Research
Cornell School of Labor and Industrial Relations
Ithaca, NY 14853

Appendix

Table 1: Summary of findings on employer behavior under the RLA

	Percent or mean of elections	Win rate when tactic used	Turnout
All Campaigns	1.00	.44	.49
Employer mounted a campaign against the union	.85	.37	.48
Hired management consultant	.66	.36	.49
Positive Changes			
Granted unscheduled raises	.13	.29	.43
Made positive personnel changes	.16	.44	.45
Made promises of improvement	.26	.29	.46
Used bribes and special favors	.11	.50	.43
Established employee involvement program	.11	.50	.52
Impeding organizing			
Discharged union activists	.15	.38	.46
Laid off bargaining unit members	.11	.67	.48
Assisted anti-union committee	.22	.42	.49
Attempted to infiltrate organizing committee	.16	.44	.53
Distributed union promise coupon books	.09	.20	.41
Distributed pay stubs with dues deducted	.26	.36	.50
Voter Suppression			
Urged workers to tear up ballots or misled workers on voting procedures	.67	.43	.41
Coercion, Intimidation, Harassment, and Retaliation			
Held captive audience meetings	.51	.43	.48
Threatened to file for bankruptcy	.07	.67	.54
Threats of plant closing	.33	.50	.52
Alteration in benefits or working conditions	.16	.56	.50
Other harassment and discipline of activists	.18	.60	.53
Brought police into the workplace	.11	.33	.41

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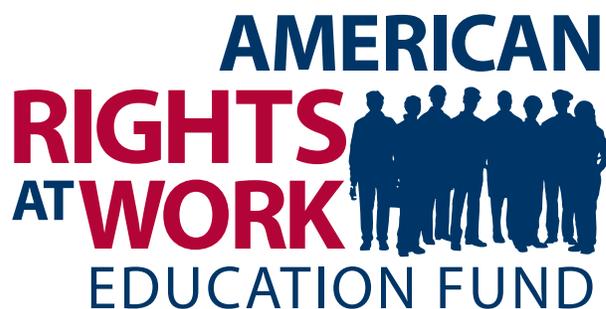
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NO HOLDS BARRED The Intensification of Employer Opposition to Organizing

BY

KATE BRONFENBRENNER

DIRECTOR OF LABOR EDUCATION RESEARCH
CORNELL SCHOOL OF INDUSTRIAL AND LABOR RELATIONS



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NO HOLDS BARRED The Intensification of Employer Opposition to Organizing

BY KATE BRONFENBRENNER

Executive summary

This study is a comprehensive analysis of employer behavior in representation elections supervised by the National Labor Relations Board (NLRB). The data for this study originate from a thorough review of primary NLRB documents for a random sample of 1,004 NLRB certification elections that took place between January 1, 1999 and December 31, 2003 and from an in-depth survey of 562 campaigns conducted with that same sample. Employer behavior data from prior studies conducted over the last 20 years are used for purposes of comparison. The representativeness of the sample combined with the high response rate for both the survey (56%) and NLRB unfair labor practice (ULP) charge documents (98%) ensure that the findings provide unique and highly credible information. In combination, the results provide a detailed and well-documented portrait of the legal and illegal tactics used by employers in NLRB representational elections and of the ineffectiveness of current labor law policy to protect and enforce workers rights in the election process.

Highlights of the study regarding employer tactics in representational elections include:

- In the NLRB election process in which it is standard practice for workers to be subjected to threats, interrogation, harassment, surveillance, and retaliation for union activity. According to our updated findings,

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employers threatened to close the plant in 57% of elections, discharged workers in 34%, and threatened to cut wages and benefits in 47% of elections. Workers were forced to attend anti-union one-on-one sessions with a supervisor at least weekly in two-thirds of elections. In 63% of elections employers used supervisor one-on-one meetings to interrogate workers about who they or other workers supported, and in 54% used such sessions to threaten workers.

- In combination, our survey and ULP findings reveal that employer opposition has intensified: the incidence of elections in which employers used 10 or more tactics more than doubled compared to the three earlier periods we studied, and the nature of campaigns has changed so that the focus is on more coercive and punitive tactics designed to intensely monitor and punish union activity.
- Many of these same tactics have been key elements of employer anti-union campaigns that we have studied for the last 20 years.¹ Although the use of management consultants, captive audience meetings, and supervisor one-on-ones has remained fairly constant, there has been an increase in more coercive and retaliatory tactics (“sticks”) such as plant closing threats and actual plant closings, discharges, harassment and other discipline, surveillance, and alteration of benefits and conditions. At the same time, employers are less likely to offer “carrots,” as we see a gradual decrease in tactics such as granting of unscheduled raises, positive personnel changes, promises of improvement, bribes and special favors, social events, and employee involvement programs.
- Unions filed unfair labor practice charges in 39% of the survey sample and 40% of the NLRB election sample. The survey and NLRB documents both show that the most aggressive employer anti-union behavior—that is, the highest percentage of allegations—were threats, discharges, interrogation, surveillance, and wages and benefits altered for union activity.
- The character of the process in the private sector is illuminated by survey data from the public-sector campaigns, which describe an atmosphere where workers organize relatively free from the kind of coercion, intimidation, and retaliation that so dominates in the private sector. Most of the states in our public-sector sample have card check certification as the primary means through which workers are organizing, where the employer is required to recognize the union if the majority of workers sign cards authorizing the union to represent them.

Highlights of the study regarding NLRB ULP charges include:

- Twenty-three percent of all ULP charges and 24% or more of serious charges—such as discharges for union activity, interrogation, and surveillance—were filed before the petition for an election was filed, and 16% were filed more than 30 days before the election petition was filed. These data confirm that employer campaigning, including the employer free speech provision, does not depend on a petition to kick into effect.
- Forty-five percent of ULP charges resulted in a “win” for the union: either the employer settled the charges or the NLRB or the courts issued a favorable decision.
- Thirty-seven percent of ULP charges result in the issuance of a complaint by the NLRB. Twenty-six percent are withdrawn by the union prior to the complaint being issued, and 23% are found to have no merit. Just under a third of all charges are resolved in whole or in part at the settlement level with 14% settling before the complaint is issued, with 18% settling after the complaint but before the Administrative Law Judge (ALJ) hearing process is complete. The content of the settlements is very similar except that settlements prior to merit determination are less likely to include reinstatement than those settled after the complaint.

-
- Employers tend to appeal most ALJ decisions, particularly Gissel bargaining orders and orders for second elections. This means that in the most egregious cases the employer is able to ensure that the case is delayed by three to five years, and in all the cases in our sample the worst penalty an employer had to pay was back pay, averaging a few thousand dollars per employee.
 - Our findings and previous research suggest that unions are filing ULPs in fewer than half the elections for three main reasons: filing charges where the election is likely to be won could delay the election for months if not years; workers fear retaliation for filing charges, especially where the election is likely to be lost; and the weak remedies, lengthy delays, and the numerous rulings where ALJ recommendations for reinstatement, second elections, and bargaining orders have then been overturned, delayed, or never enforced, have diminished trust that the system will produce a remedy.

In 2007 there were only 1,510 representation elections and only 58,376 workers gained representation through the NLRB. Even for those who do win the election, 52% are still without a contract a year later, and 37% are still without a contract two years after an election. Yet researchers such as Freeman (2007) are showing that workers want unions now more than at any other time in the last three decades. Our findings suggest that the aspirations for representation are being thwarted by a coercive and punitive climate for organizing that goes unrestrained due to a fundamentally flawed regulatory regime that neither protects their rights nor provides any disincentives for employers to continue disregarding the law. Moreover, many of the employer tactics that create a punitive and coercive atmosphere are, in fact, legal. Unless serious labor law reform with real penalties is enacted, only a fraction of the workers who seek representation under the National Labor Relations Act will be successful. If recent trends continue, then there will no longer be a functioning legal mechanism to effectively protect the right of private-sector workers to organize and collectively bargain.

In a nation where union density stands at 12.4%, it is easy to forget that the majority of U.S. workers want unions. In fact, more workers would choose to be unionized if given the opportunity than at any time in the last 30 years. According to Richard Freeman (2007) the percent of the non-managerial workforce who say they would vote for a union has been steadily increasing from 30% in the early 1980s, to almost 40% in the mid-1990s, reaching 53% in 2005. Based on his estimates, if all workers who wanted a union were actually given the opportunity they desired, then as of 2005 union density would have been as high as 58% (BLS 2007; Freeman 2007). Yet, in 2009, the overwhelming majority of workers who want unions do not have them. The majority also believes that, due to employer opposition, they would be taking a great risk if they were to organize (Hart 2007). For these workers, the right to organize and bargain collectively—free from coercion, intimidation, and retaliation—is at best a promise indefinitely deferred.

Since the rise of the union-avoidance industry in the 1970s (Smith 2003), we have witnessed a significant increase in the intensity and aggressiveness with which private-sector employers have opposed organizing efforts in their firms. As companies have globalized and restructured, corporate anti-union strategies have become more sophisticated, through resorting to implied or real threats of ownership change, outsourcing, or contracting out in response to nearly every organizing campaign (Bronfenbrenner 1994; 2000; Compa 2004; Logan 2006).

The combination of deregulation, investor-centered trade and investment policies, and an underfunded and disempowered National Labor Relations Board (NLRB) appears to have emboldened employers to act with increasing disregard for the National Labor Relations Act (NLRA). Long-time “union free” companies such as Wal-Mart, Coverall North America, and Cintas have been able to accelerate their anti-union efforts on multiple fronts because of the dysfunction and ineffectiveness of our labor law regime (Ruckelshaus 2007; Compa 2004). As labor historian Nelson Lichtenstein (2008, 1,492) explains, between 1998 and 2003 unions filed 288 unfair labor practices against Wal-Mart alone:

These included forty-one charges claiming improper firings, forty-four instances in which Wal-Mart threatened employees if they joined a union, fifty-nine charges involving improper surveillance, and another fifty-nine asserting that Wal-Mart illegally interrogated its associates to determine their views on sensitive labor related issues. In all, ninety-four of these complaints were weighty enough to generate a formal NLRB complaint against the corporation.

What distinguishes the current organizing climate from previous decades of employer opposition to unions? The primary difference is that the most intense and aggressive anti-union campaign strategies, the kind previously found only at employers like Wal-Mart, are no longer reserved for a select coterie of extreme anti-union employers. In examining NLRB documents we discovered dozens of employers similar to Earthgrains—companies with a history of maintaining a stable collective bargaining relationship with the majority of their workforce—making a dramatic shift in how they respond to union organizing efforts. When faced with an organizing campaign in its London, Kentucky plant in the summer of 2000, Earthgrains unleashed a relentless campaign of threats, interrogations, surveillance, harassment, and intimidation against the union.² The charges against Earthgrains included videotaping workers as they spoke to union representatives; maintaining and showing to workers a list that supposedly revealed how other workers were going to vote; interrogating workers about whether they or their co-workers supported a union; threatening to fire workers for union activity; managers forcibly removing union literature from the hands of employees while they were on break; threatening to eliminate entire shifts, take away retirement plans, or gain-sharing benefits if the union won in the plant; telling the workers the union would go on strike as soon as the election was won; and promising improvements in benefits and a committee to resolve grievances if the union lost (Ahearn 2000).

The corporate anti-union strategy used in the Earthgrains campaign had an enormous emphasis on interrogation, surveillance, harassment, threats, and fear. Whereas these aggressive tactics have normally been associated with

only the most extremely anti-union firms, the examples of Earthgrains and similar employers demonstrate that trend is changing. These trends show us that in today's organizing climate, even employers with no prior history of waging war against unions are increasingly running extremely aggressive anti-union campaigns with great success.

The changing behavior by companies such as Earthgrains raises several key questions critical to the labor policy debate currently before Congress. Has the nature and intensity of employer opposition changed over the last decade? Has the NLRB or the court system changed their interpretation or enforcement of the law in ways that might account for these changes in employer behavior? How does labor law need to be reformed in order to restore the promise embodied in Section 7 of the NLRA that workers have the right to organize and bargain first agreements?

For the past 20 years the primary focus of my research agenda has been to answer just these kinds of questions through a series of empirical studies examining the role of employer behavior and NLRB practice and policy in determining NLRB election certification of election outcomes. Combined, this research makes up the only extant national data on legal and illegal employer behavior during union election campaigns over time, controlling for election environment, company characteristics, union tactics, and bargaining unit demographics.³ This report is the product of my most recent study, which set out both to update my earlier work and expand on it by doing a full Freedom of Information Act request (FOIA) from the NLRB for all unfair labor practice documents relating to the election sample.

Methodology and data

This study examines employer behavior in NLRB elections in the private sector as well as the process for filing charges of unfair labor practices to protect workers' rights to organize free from coercion, intimidation, and retaliation from employers.⁴ It is based on a random sample of 1,004 NLRB campaigns taken from the full population of all certification elections in units with 50 or more eligible voters between January 1, 1999 and December 31, 2003 (BNA Plus 2000; 2002; 2004).⁵ (Hereafter, this paper will refer to this broad set of 1,004 elections as the "NLRB

election sample.") Using in-depth surveys with the lead organizer conducted by mail, phone, or email, personal interviews, documentary evidence, and electronic databases, we compiled detailed data on election background, organizing environment, bargaining unit demographics, company and union characteristics and tactics, and election and first contract outcomes.

We believe that the methods we used have been proven to be the most effective means for collecting data on employer behavior in organizing campaigns (see Appendix). It would be preferable if scholars could interview workers in the aftermath of each organizing campaign and find out how the employer campaign had affected their vote. However, as indicated by the paucity of this kind of research on any scale, there are significant barriers to conducting such research. Most obvious is that the same climate of fear and intimidation that surrounds the certification election would influence how workers would respond to any survey. Workers would fear that the employer would figure out how they were answering the survey, just as they seemed able to determine which way workers intend to vote in elections. It would be extremely difficult to gain approval for such research from any university human subjects institutional review board because of the risks to the worker. The second problem is a matter of scale. Getting even modest funding for research on organizing is extremely difficult, but to conduct a study that would be representative of a broad enough cross-section of workers from different kinds of industries, unions, and employer campaigns would require an extremely large sample and a very labor intensive survey process, with the probability of a very small return rate. So instead, most research involves individual voter studies that poll unorganized workers about how they think employers would react to an organizing attempt.

Some critics have raised questions as to the reliability of union organizers as a data source. This question is answered by the consistency of our findings over time and by the fact that the organizer findings have been confirmed repeatedly by NLRB decisions and transcripts, primary campaign documents, first contracts, and newspaper reports. Also, it is simply not possible to use employers as an alternate source. As we have demonstrated in previous studies, the overwhelming majority of employers are engaging in

at least one or more illegal behaviors (at minimum 75% of the employers in the current sample are alleged to have committed at least one illegal action). Not only would it be next to impossible to get employers to complete surveys in which they honestly reported on illegal activity, but that kind of question would not be permitted by university institutional review boards since it might put the subjects at risk of legal action. Our past survey research has shown that surveying lead organizers, combined with collecting supporting documentary evidence (such as employer and company campaign literature, newspaper articles, campaign videos, unfair labor practice documents, and on-line information about company strategy, ownership, and financial conditions) is a reliable method for answering these questions. We decided, however, that we would impose an even higher standard on the research data. Instead of sending out a one-time FOIA request to the NLRB based on whatever surveys were returned and accepting whatever documents we received, we made it a priority to get all available unfair labor practice documents for every case in our sample whether or not a survey was returned. This then would be the first comprehensive database examining the current practice of the NLRB in processing ULP charges, all the way from charge sheets through court decisions. Equally important, for those cases where we had both survey data and unfair labor practice data, we would be able to analyze the relationships between employer behavior, election outcomes, and the processing of ULP charges, and the implication of these relationships for the labor law reform debate.

Surveys were completed for 562 of the 1,004 cases in the sample, for a response rate of 56% (**Table 1**). We refer to these data as our “survey data” and the full sample of 1,004 cases as the “NLRB election sample.” Furthermore, we were able to collect corporate ownership structure information—such as parent company name and base country; non-profit or for-profit status; whether the company is publicly or privately held; countries or regions of sites, operations, suppliers and customers; whether other units or sites are unionized—for all of the cases, and at least partial financial information for 75% of those in our sample. We also ran summary statistics across several key variables, such as union and industry, to ensure that the sample was representative of the population of all NLRB

certification elections in units of 50 or more voters that took place in 1999-2003 (BNA Plus 2003; 2004).

Unfair labor practice documents

We collected unfair labor practice documents from the NLRB for two purposes. First, we wanted to know whether the same trends we were finding in the most egregious behavior in the organizer surveys would reflect the most common allegations found in the ULP charges filed and upheld in whole or in part in settlements and NLRB dispositions. Second, we wanted to document NLRB practice and function in processing ULP charges in the current organizing climate, and the implications that their current methods and practices have for labor law reform.

Our goal in this process was to collect the full spectrum of ULP documents relating to each election in our sample. To do this, we first obtained data from the NLRB Case Activity Tracking System (CATS) to prepare a Freedom of Information Request for all legal documents relating to unfair labor practices tied to the elections in our sample. The request specifically included charge sheets, letters of withdrawal, no merit determinations, settlement agreements, complaints, Administrative Law Judge decisions, NLRB decisions, court decisions, and all other related documents for the elections in our sample. For those cases that had been closed because more than six years had passed, we requested and received the charge sheet and a letter from the NLRB outlining the disposition of the case.⁷ Once surveys had been returned, we also sent an amended FOIA request that included all the cases in our survey sample where organizers reported a ULP charge had been filed but the ULP did not show up in the CATS database, either because of a change in the company name or a data-entry error in the database. We have gotten responses from every region of the NLRB, covering 99% of our original FOIA request sample and 98% of the amended request from the survey sample.⁸

Given the extent of the ULP documents received, it might seem that they, rather than organizer survey responses, should be used as the sole or preferred measure of illegal employer behavior. However, as previous research has shown (Bronfenbrenner 1997b; 2000; Compa 2004) while unfair labor practice prosecutions can help

TABLE 1

Summary data from NLRB election survey and unfair labor practice data collection

	All years	1999	2000	2001	2002	2003
Number of elections in total sample	1,004	248	218	198	174	165
<i>Percent of total sample</i>	100%	25%	22%	20%	17%	17%
<i>Percent win rate in sample</i>	45	41	45	43	47	48
Survey data						
<i>Percent surveys returned</i>	56%	50%	49%	64%	55%	67%
<i>Percent by mail</i>	39	48	39	43	33	32
<i>Percent by phone</i>	26	27	23	21	26	32
<i>Percent by Web</i>	33	22	38	34	38	33
<i>Percent by fax</i>	2	2	1	2	3	3
<i>Percent win rate for returns</i>	47	47	49	44	53	45
ULP data – full sample						
<i>Percent of sample with ULP charges</i>	40%	32%	44%	40%	43%	42%
<i>Total response rate from FOIA (for all elections with ULP charges)</i>	98	100	98	96	96	96
<i>Percent full documents received</i>	57	23	41	65	84	78
<i>Percent partial documents received</i>	21	34	33	13	11	13
<i>Percent ULP charges confirmed but documents reported destroyed</i>	14	39	12	7	0	0
<i>Percent still awaiting NLRB response</i>	5	5	10	9	4	4
<i>Percent no records found</i>	3	0	4	6	1	4
ULP data – sample with survey responses						
<i>Percent of sample with ULP charges</i>	39%	28%	41%	38%	47%	27%
<i>Total response rate from FOIA (for all elections with ULP charges)</i>	98	100	99	96	97	96
<i>Percent full documents received</i>	58	19	41	65	85	76
<i>Percent partial documents received</i>	21	38	33	17	7	15
<i>Percent ULP charges confirmed but documents reported destroyed</i>	11	36	12	6	0	0
<i>Percent still awaiting NLRB response</i>	7	6	10	6	7	4
<i>Percent no records found</i>	4	0	4	6	2	6

SOURCE: Bronfenbrenner's survey of NLRB elections 1999-2003; Bronfenbrenner's analysis of NLRB ULP documents, 1999-2003 NLRB election sample.

capture the nature and intensity of employer opposition to union activity, and while monitoring ULPs over time can help track changing patterns in employer behavior, ULPs are inadequate for measuring the totality of employer behavior.

First, unions are hesitant to file charges when there is a high probability that they are going to win the election because the employer can use the ULP charges to indefinitely delay or block the election. Even in the case of discharges for union activity (one of the most egregious

ULPs), unions often wait until after the election (as long as it is within the six-month filing period) to see if they are able to negotiate reinstatement before filing a charge. Given the long time that it takes to litigate a ULP case to conclusion, and the relatively weak relief available even for employees who ultimately win their cases, the statutory scheme does not provide strong incentives for workers to pursue such charges. As Lance Compa (2004, 68) explains:

In practice, many discriminatory discharge cases are settled with a small back-pay payment and workers' agreement not to return to the workplace. At a modest cost and with whatever minor embarrassment comes with posting a notice, the employer is rid of the most active union supporters, and the organizing campaign is stymied.

Alternatively, in cases where the union lost the election badly, organizers reported to us that they had considerable difficulty getting workers to come forward and testify because they were afraid of retribution from the employer. Furthermore, workers are keenly aware that even in cases with egregious employer violations, the most likely penalty is a posting and a small amount of back pay, which could take more than two years from filing the charge to a final Board decision to collect (Organizer interviews

2008; Compa 2004). Therefore, the incentive to pursue such cases is limited.

And finally many union ULP victories are not captured in NLRB or court determinations but rather in informal settlements that occur after charges are filed but before the merit determination (the issuance of a formal complaint by the NLRB's general counsel) takes place, or after the election as part of the first contract process. Thus, with less than half of all illegal employer violations captured by ULPs, they are best used in combination with other measures to assess the totality of the changing nature of employer opposition.

The decline of organizing under the NLRB

In 1970, 276,353 workers organized through NLRB elections. There were a total of 7,733 elections that year. The win rate was 55%, and 49% of the eligible voters eventually gained union representation. Outside of several thousand railway and airlines employees who would have organized that year under the Railway Labor Act, and construction and entertainment industry workers who have rarely organized through the traditional NLRB process due to the short-term nature of their employment markets, those 276,353 workers represented close to the totality of the private-sector workforce organizing that year (Pavy 1994). The 1970s also saw the beginning

TABLE 2

NLRB representation elections, 1999-2007

Year	Number of elections	Percent win rate	Number of eligible voters	Number in elections won	Percent of voters in elections won
1999	3,108	52%	243,720	106,699	44%
2000	2,826	53	212,680	93,346	44
2001	2,361	54	193,321	68,718	36
2002	2,724	59	189,863	72,908	40
2003	2,351	58	150,047	77,427	52
2004	2,363	59	166,525	84,838	51
2005	2,137	61	125,305	64,502	52
2006	1,657	61	112,598	59,841	53
2007	1,510	61	101,709	58,376	57

SOURCE: BNA Plus 2003; 2008.

of the first big wave of organizing in the public sector. Although there are no official records of the total number of public-sector workers organized in the 1970s, we can assume that at least 50,000 to 100,000 new public-sector workers were added each year. Still, the majority of workers who organized into unions did so through the NLRB (Bronfenbrenner and Juravich 1995).

By 1987, when I conducted my first study of employer behavior, unions won only 1,610 elections out of 3,314 (49%), and the number of workers organized under the NLRB had plummeted to 81,453 (Pavy 1994). The NLRB as a means to organize was already in grave danger.

Twenty years later in 2007, the number of workers newly obtaining union representation through all possible mechanisms averaged somewhere between 600,000-800,000 workers a year.⁹ At least 400,000 are public sector, 7,000-25,000 are under the Railway Labor Act depending on the year, and the rest are in the private sector. But as explained in **Table 2**, a diminishing portion, now less than 20%, of new workers organized in the private sector are using the means established for them by law to organize—the National Labor Relations Act.

In 2007, out of 101,709 workers who voted in NLRB elections, only 58,376 workers wound up with union representation. For years fewer and fewer workers have tried to use the NLRA, and fewer have been successful.¹⁰ That is not to say that hundreds of thousands of workers, if not millions, are not trying to organize under the NLRB. To the contrary, many begin the NLRB process but eventually give up along the way because the odds are so stacked against them. Based on these findings and those discussed above, we conclude that the certification election process, as established by the Taft-Hartley Act and as it has been enforced by the NLRB and the courts, has failed to function as the legislation was originally intended. As mentioned earlier, opinion polling has consistently shown that the majority of private-sector workers want unions, but they do not see a safe and viable means to get representation (Freeman 2007; Hart 2005). Without reform, the NLRA no longer serves as a viable mechanism for workers to obtain union representation. Our findings explain why this is so.

Threats, interrogation, promises, surveillance, and retaliation for union activity

Over the last two decades there has been a gradual evolution in employer tactics during NLRB certification election campaigns. In the 1970s and 1980s, employers took the initiative, hiring consultants and pulling together many of the basic elements of the anti-union “tool-kit” that still make up the core of most employers’ strategies today. But these tactics have not remained constant. Over time they have changed in both sophistication and intensity as employers adapted to changing economic, trade, and investment climates as well as changes in the political and regulatory environment. Similarly, as unions made strategic responses to these same changes, employers responded in kind with new initiatives to counter them.

Table 3 provides summary statistics on the full range of employer behavior data we collected in the NLRB survey. These findings capture the breadth and extent of employer opposition to organizing while also suggesting how employers continuously capitalize on the changing environment and use it to their advantage. We have grouped these tactics into the following categories: threats, interrogation, and surveillance; fear, coercion, and violence; retaliation and harassment; promises, bribes, and improvements; election interference; and public campaigns.

In combination, these numbers reveal a chilling pattern. First, they show that the overwhelming majority of employers—either under the direction of an outside management consultant or their own in-house counsel—are running aggressive campaigns of threats, interrogation, surveillance, harassment, coercion, and retaliation. Second, these tactics, both individually and in tandem, are part of a highly sophisticated, carefully crafted strategy that has withstood the test of time.

Under the free speech provisions of the NLRA, employers have control of the communication process, and as shown in **Table 3**, in today’s organizing climate they take full advantage of that opportunity to communicate with their employees through a steady stream of letters, leaflets, emails, digital electronic media, individual one-on-one meetings with supervisors, and mandatory captive-audience

TABLE 3

Employer tactics in NLRB elections, 1999-2003

	Percent or mean of elections	Election win rate when employer tactic:	
		used	not used
<i>Employer mounted a campaign against the union</i>	96%	48%	72%
<i>Hired management consultant</i>	75%	43%	52%
Employer use of threats, interrogation, and surveillance			
<i>Held captive audience meetings</i>	89%	47%	73%
<i>Number of meetings</i>	10.4	-	-
<i>More than 5 meetings</i>	53%	47%	48%
<i>Mailed anti-union letters</i>	70%	46%	59%
<i>Number of letters</i>	6.5	-	-
<i>More than 5 letters</i>	28%	49%	45%
<i>Distributed anti-union leaflets</i>	74%	46%	59%
<i>Number of leaflets</i>	16.2	-	-
<i>More than 5 leaflets</i>	61%	46%	51%
<i>Used E-mail communications</i>	7%	49%	53%
<i>Used anti-union DVDs/videos/Internet</i>	41%	39%	57%
<i>Held supervisor one-on-ones</i>	77%	48%	56%
<i>One-on-ones at least weekly</i>	66%	48%	54%
<i>Used them to interrogate workers</i>	63%	49%	51%
<i>Used them to threaten workers</i>	54%	49%	50%
<i>Used any type of surveillance</i>	14%	58%	48%
<i>Used electronic surveillance</i>	11%	57%	49%
<i>Attempted to infiltrate organizing committee</i>	28%	44%	51%
<i>Interrogated workers about union activity</i>	64%	49%	52%
<i>Threatened cuts in benefits or wages</i>	47%	51%	48%
<i>Threats of plant closing</i>	57%	45%	53%
<i>Actually closed plant after the election</i>	15%	56%	44%
<i>Threatened to file for bankruptcy</i>	3%	63%	49%
<i>Filed for bankruptcy</i>	0%	50%	50%
<i>Threatened to report workers to INS</i>	7%	34%	51%
<i>Actually referred workers to INS</i>	1%	17%	50%
<i>Made random document checks</i>	3%	56%	49%
Fear, coercion, and violence			
<i>Employer used events of 9/11 or national security</i>	2%	57%	50%
<i>Used guards, put up security fencing, or cameras</i>	14%	50%	50%
<i>Brought police into the workplace</i>	21%	46%	51%
<i>Police arrested workers on site</i>	0%	0%	50%
<i>Employer instigated violence and blamed union</i>	7%	45%	50%
Retaliation and harassment			
<i>Discharged union activists</i>	34%	49%	50%
<i>Number discharged</i>	2.6	-	-
<i>Workers not reinstated before election</i>	29%	47%	72%

cont. on page 11

TABLE 3 (CONT.)

Employer tactics in NLRB elections, 1999-2003

	Percent or mean of elections	Election win rate when employer tactic:	
		used	not used
<i>Other harassment and discipline of union activists</i>	41%	55%	49%
<i>Transferred pro-union activists out of the unit</i>	5%	64%	49%
<i>Laid off bargaining unit members</i>	5%	50%	50%
<i>Number laid off</i>	32.6	-	-
<i>Contracted out bargaining unit work</i>	3%	71%	49%
<i>Number of jobs contracted out</i>	34.0	-	-
<i>Alteration in benefits or working conditions</i>	22%	49%	53%
Promises, bribes, and improvements			
<i>Granted unscheduled raises</i>	18%	49%	50%
<i>Made positive personnel changes</i>	27%	47%	51%
<i>Made promises of improvement</i>	46%	44%	54%
<i>Used bribes and special favors</i>	22%	47%	51%
<i>Held company social events</i>	16%	50%	50%
<i>Established employee involvement program</i>	15%	39%	50%
<i>Upgraded health & safety conditions</i>	7%	43%	50%
<i>Promoted pro-union activists</i>	11%	57%	49%
Election interference			
<i>Solicitation/distribution rules</i>	10%	43%	50%
<i>Employer used NLRB-like front group</i>	11%	54%	49%
<i>Assisted anti-union committee</i>	30%	41%	53%
Public campaign			
<i>Ran media campaign</i>	12%	43%	51%
<i>Use free mass media</i>	8%	35%	51%
<i>Purchased time on paid media</i>	3%	41%	50%
<i>Involved community leaders/politicians</i>	6%	46%	50%
Other tactics			
<i>Distributed pay stubs with dues deducted</i>	23%	42%	52%
<i>Distributed union promise coupon books</i>	22%	44%	51%
<i>Held raffles relating to union dues</i>	3%	32%	50%
<i>Filed ULP charges against the union</i>	3%	80%	49%
<i>Filed election objections</i>	8%	91%	46%
Intensity of employer campaign			
<i>Number of tactics used</i>	10.9	-	-
<i>No tactics used</i>	6%	72%	48%
<i>Weak campaign (1-4 tactics)</i>	10%	65%	35%
<i>Moderate campaign (5-9 tactics)</i>	30%	40%	52%
<i>Aggressive campaign (10 or more tactics)</i>	54%	45%	55%

SOURCE: Bronfenbrenner's survey of NLRB elections, 1999-2003.

meetings with top management during work time. Nearly 90% of employers use captive audience meetings, holding on average 10.4 meetings a year. Seventy-seven percent hold supervisory one-on-ones, and two-thirds hold them at least weekly throughout the campaign.

But this is nothing new. For years these tactics have been the primary means through which companies make their case against unions (Bronfenbrenner 2000; 2004). What stands out about these data is what they tell us about how the tactics are being used. These data provide additional insight into the critical role played by supervisor one-on-ones as the primary means through which employers deliver threats and engage in interrogation. As shown in Table 3, employers use supervisor one-on-ones to threaten workers for union activity in at least 54% of campaigns and to interrogate workers about their union activity and that of coworkers in at least 63% of campaigns. In addition to interrogation, 14% of employers use surveillance, primarily electronic (11%), and 28% of employers attempt to infiltrate the organizing committee in order to learn more about union supporters and activity.

Table 3 shows that these threats take many forms. Fifty-seven percent of employers make plant closing threats, and 47% threaten wage or benefit cuts. In 7% of all campaigns—but 50% of campaigns with a majority of undocumented workers and 41% with a majority of recent immigrants—employers make threats of referral to Immigration Customs and Enforcement (ICE).

We also confirmed new tactics involving fear, coercion, and violence that organizing directors say are increasingly common. They include such actions as bringing in security guards, putting up fencing, and putting in security cameras (14%), bringing in police to walk through the plant (21%), or instigating violence and trying to put the blame on the union (7%). However, despite the substantial number of police walkthroughs, none of the cases in our survey sample included any arrests, which makes the use of the police appear to be merely one more coercive strategy rather than reflecting any legitimate security concern.

In combination, these more aggressive coercive actions—threats of plant closure, referrals to ICE, benefit cuts, police walk-throughs, turning the workplace into an

armed camp—send a clear message to workers: those who choose to move forward with the union do so at great personal risk. Employers send an even stronger message when they follow through on their threats with direct retaliation and harassment for union activity, such as when they actually refer workers to ICE (7% of all units with undocumented workers); discharge workers for union activity (34%); issue suspensions, written warnings, close supervision, and verbal abuse (41%); alter benefits or working conditions (22%); order layoffs (5%); contract out (3%); and transfer workers (5%). It is a message heard well beyond the workplaces where the organizing campaigns take place, discouraging not only the voters in that particular campaign, but holding back others from even attempting to get a campaign off the ground (Hart 2005).

In addition to punitive strategies, employers continue to use softer, less overtly coercive tactics such as promises of improvement (46%); bribes and special favors (22%); the use of social events (16%); or the use of employee involvement programs (15%). These tactics have commonly been the reward for supporting or cooperating with the employer campaign, and in the past they have been among the most effective employer strategies (Bronfenbrenner 1994; Rundle 1998). But it seems that in the current climate, such promises play a less central role because, as I have found in my research on global outsourcing, employers are willing and able to risk being more ruthless in their treatment of workers because they face fewer regulatory, economic, and social repercussions for doing so (Luce and Bronfenbrenner 2007; Bronfenbrenner 2000).

Employers also engage in tactics that directly interfere with the union campaign. The most common of these is assisting the establishment of an anti-union committee (30% of the campaigns). At least 10%¹¹ of employers illegally issue rules for union communications and distribution of union materials that are different from rules applied to other organizations and activities, while 11% have individuals who pose as agents of the NLRB spread misinformation among workers.

In this study's data, most of the more extreme employer tactics—supervisor one-on-ones at least weekly, police walk-throughs, plant closing threats, promises, bribes, or assisting the anti-union committee—are associated

TABLE 4

Changes in frequency and intensity of employer tactics over time

	Proportion of elections tactics employed in:			
	1986-87	1993-95	1998-99	1999-2003
<i>Hired management consultant</i>	72%	82%	76%	75%
Employer use of threats, interrogation, surveillance				
<i>Held captive audience meetings</i>	82%	93%	92%	89%
<i>Average number of captive audience meetings</i>	5.5	9.5	11.6	10.4
<i>Mailed anti-union letters</i>	80%	78%	70%	70%
<i>Average number of letters</i>	4.5	5.4	6.7	6.5
<i>Used E-mail communications</i>			6%	7%
<i>Distributed anti-union leaflets</i>	70%	81%	75%	74%
<i>Average number of leaflets</i>	6.0	10.8	13.3	16.2
<i>Held supervisor one-on-ones</i>	79%	82%	78%	77%
<i>Used electronic surveillance</i>		13%	6%	11%
<i>Used anti-union DVDs/videos/Internet</i>		63%	54%	41%
<i>Threats of plant closing</i>	29%	50%	52%	57%
<i>Actually closed plant after the election</i>	2%	4%	1%	15%
<i>Threatened to report workers to INS/ICE</i>		1%	7%	7%
Retaliation and harassment				
<i>Discharged union activists</i>	30%	32%	26%	34%
<i>Workers not reinstated before election</i>	18%	21%	23%	29%
<i>Other harassment and discipline of union activists</i>			9%	41%
<i>Alteration in benefits or working conditions</i>		27%	17%	22%
Promises, bribes, and improvements				
<i>Granted unscheduled raises</i>	30%	25%	20%	18%
<i>Made positive personnel changes</i>		38%	34%	27%
<i>Made promises of improvement</i>	56%	64%	48%	46%
<i>Used bribes and special favors</i>		42%	34%	22%
<i>Held company social events</i>	4%	28%	21%	16%
<i>Established employee involvement program</i>	7%	16%	17%	15%
<i>Promoted pro-union activists</i>	17%	16%	11%	11%
Other tactics				
<i>Assisted anti-union committee</i>	42%	45%	31%	30%
<i>Ran media campaign</i>	10%	9%	5%	12%
Intensity of employer campaign				
<i>Number of tactics used by employer</i>	5.0	8.2	7.2	10.9
<i>No tactics</i>	0%	3%	3%	6%
<i>More than 5 tactics</i>	38%	78%	63%	82%
<i>More than 10 tactics</i>	0%	26%	20%	49%

SOURCE: See Bronfenbrenner (1994) for the 1986-87 study, Bronfenbrenner (1997b) for the 1993-94 study, and Bronfenbrenner (2000) and Bronfenbrenner and Hickey (2004) for the 1998-99 study .

with union win rates several percentage points (between 5 to 7) lower than in campaigns where they are not used. Compared to my previous studies, this gap between the win rates when tactics are utilized and when they are not has been closing (except for the most extreme tactics). This difference is most likely explained by the fact that employers are now sophisticated enough in their opposition strategies that they can often discourage union formation even without having to use these most aggressive tactics, thus only resorting to them for campaigns in which they feel the union has a good chance of winning.

Changes in frequency and intensity of employer tactics over time

Table 4 presents data on the key tactics most commonly used by employers from our studies conducted over the last 20-plus years. These include data from this study as well as 1986-87 (Bronfenbrenner 1993), 1993-95 (Bronfenbrenner 1996), and 1998-99 (Bronfenbrenner 2000). Although on the whole we find the same list of tactics—a combination of threats, interrogation, promises, surveillance, and retaliation for union activity—that employers have used for the last two decades, we find in the last several years there has been certain shifting of focus, scale, and intensity in employer campaigns. Although the use of management consultants, captive-audience meetings, and supervisor one-on-ones has remained fairly constant, more recently we have seen an increase in more coercive and retaliatory tactics such as plant closing threats and actual plant closings, discharges, harassment and other discipline, surveillance, and alteration of benefits and conditions. At the same time employers are not bothering as much with promises of improvements, as we see a gradual decrease in tactics such as granting of unscheduled raises, positive personnel changes, bribes and special favors, social events, and employee involvement programs.

With the exception of plant closing threats (which nearly doubled by increasing from 29% in 1986-87 to 57% today) and discharged workers not being reinstated before the election (which gradually increased from 18% in 1986-87 to 29%), most of the increase in more coercive tactics occurred in the period since our last study. Discharges for union activity have increased from 26% to 34%, alterations in benefits or working conditions have

increased from 17% to 22%, and other harassment and discipline of union activists from 9% to 41%.¹²

In contrast, the decline for the softer tactics began in the late 1980s or early 1990s, continuing through the present. Most of these tactics, including the granting of unscheduled raises, promises of improvement, and social events, dropped 10 to 2 percentage points, but some, including bribes and special favors, decreased as much as 20 percentage points. It seems that most employers feel less need to bother with the carrot and instead are going straight for the stick.

Yet the employer behavior data tell a story that is more complex than simply a shift toward more coercive tactics. Our new findings also show a consistent pattern across the data, namely that threats, interrogation, surveillance, harassment, and retaliation were the most common tactics across all the campaigns surveyed.

As Administrative Law Judge (ALJ) Paul Bogas describes in his decision regarding Rugby Manufacturing, these patterns are not random. Rugby's anti-union campaign began after management was alerted to union activity and in response, "called its managers and supervisors together for a special Saturday meeting at which the attendees were instructed on techniques for discerning who was a union supporter."¹³ Managers and supervisors were encouraged to casually broach the subject of unionization with their employees "in hopes that the employees would reciprocate by divulging their own sentiments" (Rugby 2002, 3). The results of these "conversations" were recorded on a chart detailing the contacts Rugby supervisors made with employees regarding the union.

Rugby "also engaged in frequent anti-union lobbying of individual employees" sometimes two or more times a day (Rugby 2002, 4). The engineering manager of the facility "gave daily anti-union speeches at the facility and stated that he was afraid the Respondent would close down if the employees unionized" (Rugby 2002, 4). Other managers and supervisors "warned employees that there could be negative repercussions if they discussed the Union among themselves" (Rugby 2002, 4). The consolidated complaints issued against Rugby included serious labor law violations such as "terminating two employees, laying off 16 employees, and refusing to recall 15 of the laid-off employees" because of union activity and to

discourage further union activity, offering a promotion to the leading rank-and-file union activist (which he turned down), and “prohibiting employees from discussing union matters during company time, threatening employees regarding such discussions, maintaining a no-solicitation policy, and engaging in coercive interrogation” (Rugby 2002, 1). Given the intensity and aggressiveness of the employer campaign, it is not surprising that the Steelworkers lost the election 48 to 31 on November 30, 2000, just one month after they petitioned for the election.

The most important part of the Rugby story is not the most dramatic—the discharges and layoffs—but rather the full arc of the employer’s plan, which in fact started not with the meeting with the supervisors, but as Bogas points out in his decision, with its aggressive union-free policy. This policy was clearly outlined in the employee handbook, and read out loud to all new employees upon hiring. It made it clear that unions would not be tolerated, laying the groundwork for the aggressive and intense effort that followed. But the model that Rugby and so many others of these campaigns adopt is one in which the priority task of frontline supervisors is to ascertain through whatever means possible the leanings of every worker and then use the more aggressive retaliatory tactics to sway those leaning toward unionization.

A case such as Rugby reminds us of the great deficiencies of the regulatory regime under which private-sector workers organize in this country. The United Steelworkers did file multiple unfair labor practices at Rugby for the discharges, interrogation, no solicitation policy, threats, layoffs, and denial of recall. It took a year to finally get a consolidated complaint, another year before the ALJ decision, and it was not until January 2003 (more than two years after the election) that the ALJ decision was finally enforced. The decision is what by NLRB standards would be considered “favorable” for the workers and the union. Rugby was found to have violated the NLRA on all charges except one of the discharges, and so was ordered to offer full reinstatement and a back pay award totaling more than \$217,000 to be divided up among the 16 workers who lost their jobs (one discharged and the rest laid off and not recalled). In addition, Rugby had to post a notice in all its facilities stating it would cease and desist from all such violations from that point forward.¹⁴

However, in a case like this, where two years had gone by before the final NLRB decision, most laid-off workers had had to leave town to find employment and weren’t coming back. Ultimately, only one of the 16 union activists was reinstated, and the union was unable to win a second election. In July 2007, six years after the workers first tried to organize at Rugby, they did win representation with a different union (NLRB Reports 2007), but 15 out of 16 workers who had been wrongfully terminated for leading the first organizing effort at Rugby, and had to move out of town to even find another job, never obtained union representation at Rugby.

The Rugby story comprises the key elements of our new survey findings. Employer campaigns have become more coercive, with an early emphasis on interrogation and surveillance to identify supporters, followed by threats and harassment to try to dissuade workers from supporting the unions, moving then to retaliation against employees who continue to move forward with the union campaign. Employers may still use promises, wage increases, social events, and other softer tactics, but with much less frequency and not as the focus of their campaigns.

Unfair labor practice findings

Unions filed unfair labor practice charges in 39% of the survey sample and 40% of the NLRB election sample (that was constructed by combining the CATS data and our FOIA request to the NLRB). For the surveys a total of 926 total allegations were filed in all ULP charges combined, while for the full NLRB sample the total number of allegations totaled 1,387.¹⁵ The 39% ULP rate is higher than the 33% rate we found in our 2000 study, but that is not surprising given the increase in more egregious employer anti-union behavior (e.g., discharges and wage/benefit cuts), which can result in actual financial settlements rather than simply notice postings. Still, if we focus on the most common and serious employer anti-union tactics—threats, interrogation, surveillance, harassment, alteration of wages, benefits and/or working conditions, assistance or domination of the anti-union committee, and discharges or layoffs for union activity—the survey results suggest that unions file ULP charges in fewer than half the elections where serious labor law violations occur.

TABLE 5

**Total number and percent of
allegations filed in returned surveys and full election sample**

Allegations	Total allegations in returned surveys	Percent in allegations in returned surveys	Total allegations in sample	Percent allegations in sample
<i>Assistance or domination</i>	12	1%	13	1%
<i>Coercive statements and threats</i>	173	19	248	18
<i>Denial of access</i>	8	1	12	1
<i>Destroying authorization cards</i>	1	0	1	0
<i>Discipline for union activity</i>	66	7	95	7
<i>Discharge for union activity</i>	161	17	265	19
<i>Disparagement</i>	8	1	13	1
<i>Weingarten rights</i>	2	0	2	0
<i>Harassment</i>	41	4	57	4
<i>Imposing onerous assignments</i>	40	4	50	4
<i>Interrogation</i>	79	9	123	9
<i>Lawsuits for union activity</i>	0	0	1	0
<i>Layoff for union activity</i>	11	1	23	2
<i>Misrepresentation</i>	1	0	1	0
<i>Other rules</i>	20	2	31	2
<i>Polling employees</i>	11	1	16	1
<i>Promise of benefits</i>	35	4	58	4
<i>Refusal to hire</i>	3	0	4	0
<i>Retaliation for board participation</i>	21	2	30	2
<i>Solicitation/distribution rules</i>	44	5	66	5
<i>Statements of futility</i>	23	2	34	2
<i>Surveillance</i>	57	6	90	6
<i>Suspension for union activity</i>	46	5	63	5
<i>Violence</i>	1	0	2	0
<i>Wages or benefits altered for union activity</i>	54	6	79	6
<i>Withholding promotions</i>	2	0	2	0
<i>Bribery</i>	1	0	2	0
<i>Impressions of surveillance</i>	3	0	3	0
<i>Refusal to furnish information</i>	1	0	1	0
<i>Refusal to recognize (Not Gissel)</i>	1	0	1	0
<i>Subcontracting unit work</i>	0	0	1	0
Total allegations	926	100	1,387	100

SOURCE: Bronfenbrenner's analysis of NLRB ULP documents, 1999-2003 NLRB election sample.

The reasons workers and unions do not use the NLRB process to file charges every time a serious violation occurs are inherent in the process itself. As the Rugby case

demonstrated, it is a process fraught with delays and risks to the worker, with extremely limited penalties for the employer, even in the most extreme cases. In a case where

there are just one or two serious allegations, especially if those allegations involve serious 8(a)1 violations (such as threats, surveillance, interrogation) but have no financial penalties, then the risks and benefits of such filings must be weighed each time against the impact they could have on the election. For example, ULPs were not filed in 32% of the elections with serious anti-union tactics in units where the election was won. That is most likely because filing charges can hold up the election for many months if not a year or more. Thus, except in the case of the most egregious violations (e.g., serious harassment, threats of referral to ICE, multiple discharges, or violence), unions typically wait until after the election to file charges. And if the election is won, unions often file charges only on 8(a)3 violations that cannot be negotiated or settled with the employer as part of the first contract process.

Table 5 describes the nature and extent of the total allegations filed in both the returned surveys and the full sample of 1,004 elections.¹⁶ It presents a wide spectrum of employer behaviors, but one that is extremely consistent between the full sample and the survey data, thus reinforcing the representativeness of the survey sample.

The most common allegations are coercive statements and threats (19% of the allegations filed in the survey

sample, 18% of allegations filed in the NLRB sample) and discharges for union activity (17% of allegations in the survey sample, 19% of allegations in the NLRB sample). The threats include threats of job loss, wage and benefit cuts, transfers, referrals to ICE, violence, contracting out, sexual harassment or any other kind of coercive statement or action. Other common allegations include interrogation (9%), other disciplinary actions (7%), surveillance (6%), wages or benefits altered for union activity (6%), solicitation distribution rules (5%), suspension for union activity (5%), harassment (4%), imposing onerous assignments (4%), and the promise of benefits (4%).

Table 6 presents the final disposition of the ULPs for the full NLRB election sample.¹⁷ Twenty-six percent of ULPs were withdrawn before merit determination, and 23% were found to have no merit. Fourteen percent were settled in whole or in part before merit determination in either formal or informal settlements. These pre-complaint settlement agreements normally include some kind of posting, listing 8(a)1 violations and one or more 8(a)3 violations, and a back-pay award (though typically without reinstatement). But that does not mean they are for minor violations. In most of these agreements the postings include a recitation of the same combination of

TABLE 6

Disposition of unfair labor practice charges for full NLRB election sample

Disposition	Percent of allegations in NLRB election sample
<i>Withdrawn before merit determination</i>	26%
<i>No merit</i>	23
<i>Settlement in whole or in part prior to merit determination</i>	14
Complaint issued	37
<i>Withdrawn prior to hearing</i>	2
<i>Settlement in whole or in part prior to hearing decision</i>	18
<i>ALJ decision (loss)</i>	1
<i>ALJ decision (Upheld in whole or in part)</i>	1
<i>Board Order (Upheld in whole or in part)</i>	9
<i>Board (loss)</i>	3
<i>Federal Court (loss)</i>	0
<i>Federal Court Order (Upheld at in whole or in part)</i>	3

SOURCE: Bronfenbrenner's analysis of NLRB ULP documents, 1999-2003 NLRB election sample.

threats, interrogation, discharges, surveillance, and solicitation rules that make up most of the complaints. The difference is that these employers decided to settle with the union rather than have the NLRB general counsel issue a complaint, and these workers and their union representatives decided to take the settlement rather than risk either not getting a complaint or waiting a year or more for an ALJ decision.

Forty-five percent of unfair labor practice charges filed in the full sample resulted in either a settlement by the employer or a favorable decision by the NLRB or the courts.¹⁸ In 14% of the cases, the employer settled before a complaint was issued and in 37%, the NLRB issued a complaint. Additionally, another 18% of complaints were settled before the ALJ decision. Once a complaint has been issued, a higher percentage of employers settle and a higher percentage of those settlements involve full back pay and offers of reinstatement as well as postings because, as our data show, once a case makes it past a complaint, only a very small percent lose. As a result, there is a great incentive for the employer to settle at this stage. However, there is equal pressure on the worker to settle because, as Table 6 shows, even though only 1% of ALJ decisions are lost, only 1% are enforced at the ALJ level. The remainder of filings are appealed to the NLRB or the courts, often taking as much as two to three years to be resolved. In most pre-hearing settlements, some but not all workers are offered reinstatement, or workers are offered some but not all of their back-pay. The workers' alternative is to wait the full year or more for the ALJ decision, and as these data show, in most cases to wait for the appeal to the full NLRB.

We found several cases in our sample where the ALJ recommended a Gissel bargaining order, but in each case, the NLRB reversed the decision. The most dramatic of these was Abramson LLC, where the violations committed by the employer were so severe that they led Administrative Law Judge Lawrence W. Cullen to decide that a Gissel bargaining order should be issued retroactive to when the union first obtained majority status through signed authorization cards. He found there were "hallmark violations committed by [Abramson] including threats of plant closure and job loss, and threats of loss of substantial benefits by the elimination of transportation benefits, hotels, expense money, and

per diems on out of town assignments." Furthermore, these threats and actions emanated "from the highest level of management and resulted in a substantial reduction in Union support as evidenced by the overwhelming loss of support for the Union on election day from the peak of 54 cards signed in support of the Union" (345 NLRB No.8, 23-24 (2005)).

If the company had not appealed the ALJ decision to issue the Gissel order, bargaining would have commenced within 10 days of Cullen's decision. Instead the workers waited three more years only to have the NLRB overturn the bargaining order and instead order a second election. Part of the basis for the NLRB's decision was that in three cases with "more serious and more pervasive unfair labor practices," a bargaining order was not issued and traditional remedies were used instead. The NLRB reasoned that Abramson's conduct was not bad enough to warrant a bargaining order if previous cases with worse behavior relied on traditional remedies and the running of a second election (345 NLRB No.8, 7 (2005)). The second election was lost.

The decision on which ULPs to settle and which to take to a higher level is partially determined by the type of allegation because, as shown in **Table 7**, certain types of allegations are much more likely to be found to have merit either singly or in combination with other allegations.

The job loss and wage and benefit change allegations have the highest bar to overcome in the merit determination process, most likely because they both require individual workers to come forward and testify and also because those workers have to prove two things. First, that the employer is aware of their union activity, and second, that their union activity is the reason for the discipline, layoff, benefit cut, or changed working conditions. But even if they make it past that phase, these cases tend to be pushed toward non-precedent making settlements rather than ALJ or NLRB decisions, in part because workers cannot afford to wait that long for reinstatement, and the back-pay quickly loses its value once money earned on other jobs is deducted. But the decisions also suggest that the bar to achieving a full NLRB win keeps being raised higher and higher each year, and that the NLRB is increasingly likely to dismiss the serious allegations relating

TABLE 7

Allegations by disposition for full NLRB election sample

Allegations	Pre-merit loss		Pre-merit settlement	MERIT DETERMINED—Complaint issued									Total with charges settled or upheld in whole or in part	
	% Withdrawn before	% No merit	% Settled before, in whole, or in part	% Withdrawn after	% Settled after in whole or in part	% ALJ Loss			% Board loss		% Court loss			Total loss
						% ALJ Loss	% ALJ upheld in whole or in part	% Board loss	% Board upheld in whole or in part	% Court loss	% Court upheld in whole or in part			
Coercive statements & threats	30%	17%	13%	1%	21%	1%	1%	2%	11%	0%	4%	50%	50%	
Interrogation	26	11	14	3	29	1	0	3	7	0	5	45	55	
Polling employees	56	13	13	6	13	0	0	0	0	0	0	75	25	
Promise of benefits	25	18	18	4	27	0	2	2	4	0	0	49	51	
Surveillance	25	20	16	2	17	0	0	3	8	1	7	52	48	
Impressions of surveillance	33	0	67	0	0	0	0	0	0	0	0	33	67	
Other rules	13	13	20	3	10	0	0	13	13	0	13	43	57	
Solicitation/distribution rules	13	14	14	2	27	2	2	0	14	0	14	30	70	
Statements of futility	21	6	21	3	36	0	0	0	9	0	3	30	70	
Bribery	50	0	50	0	0	0	0	0	0	0	0	50	50	
Disparagement	17	8	17	0	0	17	0	8	33	0	0	50	50	
Harassment	23	30	23	2	11	0	0	2	9	0	0	57	43	
Assistance or domination	23	31	8	0	15	0	0	0	15	0	8	54	46	
Discharge for union activity	27	36	10	2	14	0	1	3	7	0	0	68	32	
Discipline for union activity	16	30	15	3	17	1	0	5	8	0	4	56	44	
Suspension for union activity	24	33	13	3	17	0	0	2	8	0	0	62	38	
Layoff for union activity	30	26	9	0	13	0	0	9	13	0	0	65	35	
Wages or benefits altered	31	23	17	0	15	0	1	0	13	0	0	54	46	
Imposing onerous assignments	33	25	17	2	13	0	0	2	4	0	4	63	38	
Retaliation for board participation	23	30	13	7	10	0	0	10	7	0	0	70	30	

SOURCE: Bronfenbrenner's analysis of NLRB ULP documents, 1999-2003 NLRB election sample.

to threats of job and benefit cuts or serious interrogation, harassment, and coercion, while sustaining the accusations around more minor solicitation and distribution rules, promises, and less coercive threats.

The timing of employer anti-union activity

Another indication of the increased intensity of employer opposition is the timing of when ULP charges are filed. As described in **Table 8**, 22% of all ULPs were filed before the election petition was filed, and 16% were filed more than 30 days before the petition was filed. Thus, we find

that nearly a quarter of the discharge ULPs (24%) were filed before the petition, and 16% were filed more than 30 days before the petition. Similarly, 19% of ULPs relating to threats were filed before the petition, including 14% filed more than 30 days before, while 24% of interrogation ULPs, 31% of the assistance and domination ULPs, 16% of the surveillance ULPs, 25% of the solicitation/distribution rules ULPs and 17% of the alteration of wages and benefit ULPs were filed more than 30 days before the petition was filed for the election.

Recognizing that the behaviors listed in the ULP charge had to have occurred days if not weeks before the

TABLE 8

Percent of allegations filed prior to the petition being filed

Allegations	Percent of allegations filed prior to petition	Percent of allegations filed before 30 days prior to petition	Percent of allegations filed within 30 days prior to petition
<i>Assistance or domination</i>	31%	31%	0%
<i>Coercive statements and threats</i>	19	14	5
<i>Denial of access</i>	25	25	0
<i>Discharge for union activity</i>	24	16	8
<i>Discipline for union activity</i>	25	18	7
<i>Disparagement</i>	17	17	0
<i>Harassment</i>	26	16	10
<i>Imposing onerous assignments</i>	18	13	5
<i>Interrogation</i>	29	24	5
<i>Layoff for union activity</i>	14	5	9
<i>Misrepresentation</i>	50	0	50
<i>Other rules</i>	45	41	4
<i>Polling employees</i>	13	13	0
<i>Promise of benefits</i>	14	10	4
<i>Refusal to hire</i>	25	0	25
<i>Retaliation for board participation</i>	3	0	3
<i>Solicitation/distribution rules</i>	30	25	5
<i>Statements of futility</i>	9	6	3
<i>Surveillance</i>	26	16	10
<i>Suspension for union activity</i>	24	17	7
<i>Violence</i>	50	50	0
<i>Wages or benefits altered for union activity</i>	20	17	3
All allegations	23	16	6

SOURCE: Bronfenbrenner's analysis of NLRB ULP documents, 1999-2003 NLRB election sample.

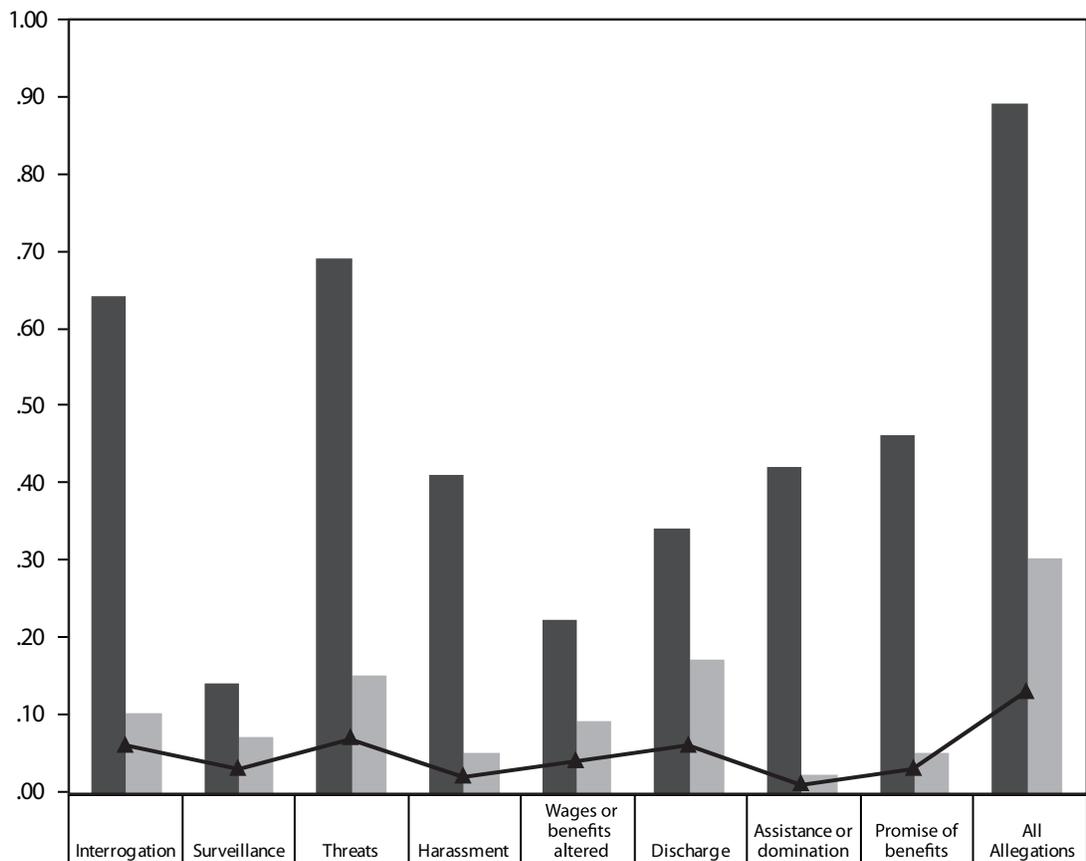
actual charge was filed, these data confirm not only that a significant amount of employer opposition is in place very early in many union campaigns, but that employer campaigning does not depend on an election petition to kick into effect.

Ultimately, this brings us back from the ULP data to the employer behavior data. For it is important to remember the difference between the extent of employer opposition documented by union organizers, and those

violations they chose to file charges on with the NLRB, and then again, what, if anything, they gained from filing those charges even when they prevailed. **Figure A** compares the most serious illegal employer behavior reported on the survey: interrogation, threats, harassment and other discipline, alterations in wages, benefits, or conditions for union activity, discharges for union activity, assistance or domination of union, promises of benefits, and all serious allegations.¹⁹ Although as shown in Figure A,

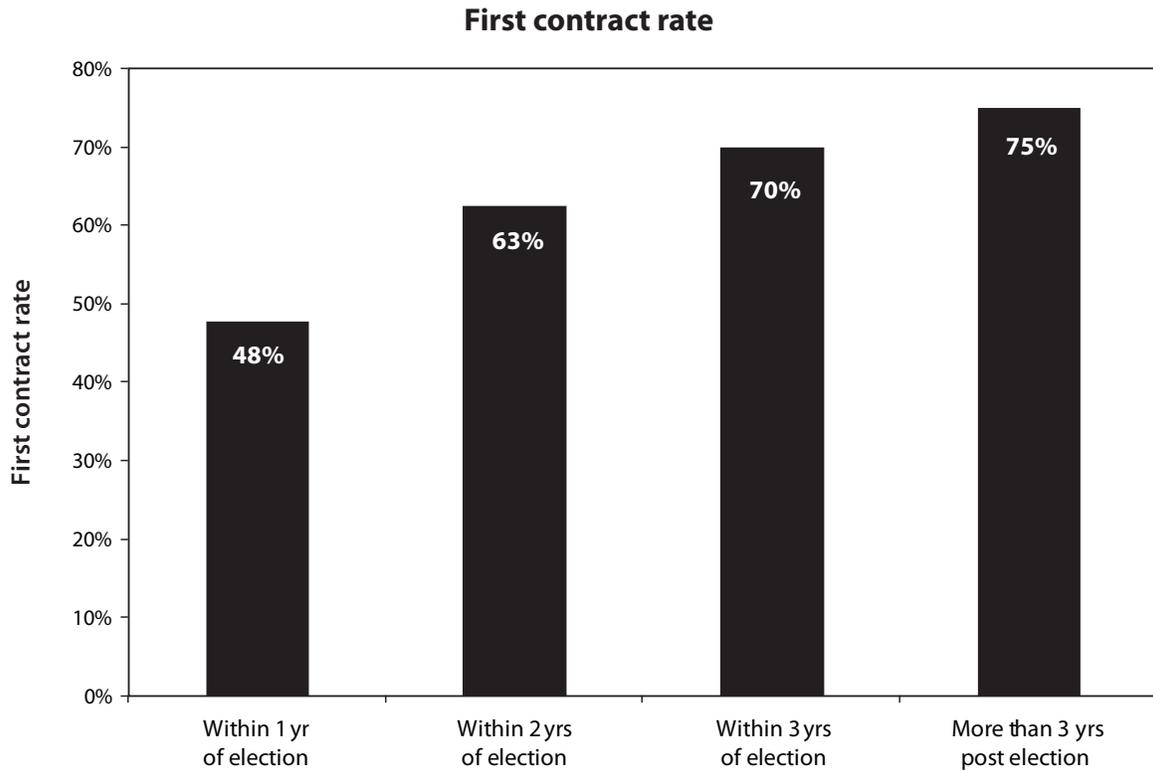
FIGURE A

Survey responses, ULP allegations, and ULPs settled or upheld by elections in survey sample



■ Percent reported on survey	.64	.14	.69	.41	.22	.34	.42	.46	.89
■ Mean elections where at least one allegation filed	.10	.07	.15	.05	.09	.17	.02	.05	.30
▲ Mean elections where at least one allegation upheld or settled	.06	.03	.07	.02	.04	.06	.01	.03	.13

SOURCE: Bronfenbrenner's survey of NLRB elections, 1999-2003; Bronfenbrenner's analysis of NLRB ULP documents, 1999-2003 NLRB election sample.

FIGURE B

SOURCE: Bronfenbrenner's survey of NLRB elections, 1999-2003.

the employer tactics and the charges filed followed the same pattern, unions failed to file charges in more than half of the elections where they reported that employers committed serious labor law violations. The allegations were upheld or settled in whole or in part in fewer than half the ULPs that they filed.

As these data have shown, the choice not to use the NLRB process is a rational one. Already discouraged by threats, harassment, and retaliation in the organizing campaign itself, workers have good reason to believe they are at risk, yet they can expect little gain even if they do prevail.

Even if the union succeeds in making it through the hoops of fire that it takes to win the election, **Figure B** shows that it will be many years before a union ever obtains a collective bargaining agreement. Within one year after the election, only 48% of organized units have collective bargaining agreements. By two years it increases to 63% and by three years to 70%. Only after more than three years will 75% have obtained a first agreement.

Given that many workers had to wait many months—if not years—to schedule an election, they should not have to wait years to get a first contract.

For all the effort they go through, we know that fewer than 60,000 workers end up in a unit where an election is won, and fewer than 40,000 in a unit with a first contract. Worse yet, for many it is a process that can take as long as three to five years of threats, harassment, interrogation, surveillance, and, in some cases, job loss.

But it does not have to be this way. We know from the last two decades of United States public-sector organizing experience that there are alternative models in place to help us develop a framework that can make it possible for private-sector workers in the U.S. to organize without going through the trial by fire that they now endure. **Table 9** displays the stark contrast between employer behavior under the NLRB and employer behavior in state and local elections and card check certifications in the public sector (in this case New York, Minnesota, Florida,

TABLE 9

Comparison of employer opposition in public and private-sector campaigns

	Percent of elections	
	NLRB 1999-2003	Public 1999-2003
<i>Election campaigns</i>	100%	83%
<i>Election win rate</i>	45%	84%
<i>Card check campaigns</i>	0%	17%
<i>Card check win rate</i>	-	100%
<i>No employer campaign</i>	4.0%	48%
<i>Hired management consultant</i>	75%	23%
Employer use of threats, interrogation, and surveillance		
<i>Held captive audience meetings</i>	89%	22%
<i>Number of meetings</i>	10.4	9.47
<i>Mailed anti-union letters</i>	70%	21%
<i>Number of letters</i>	6.54	2.64
<i>Distributed anti-union leaflets</i>	74%	22%
<i>Number of leaflets</i>	16.2	4.1
<i>Held supervisor one-on-ones</i>	77%	26%
<i>One-on-ones at least weekly</i>	66%	2%
<i>Used them to interrogate workers</i>	63%	20%
<i>Used them to threaten workers</i>	54%	15%
<i>Used E-mail communications</i>	7%	14%
<i>Attempted to infiltrate organizing committee</i>	28%	6%
<i>Threatened cuts in benefits or wages</i>	47%	14%
<i>Used electronic surveillance</i>	11%	2%
<i>Used anti-union DVDs/videos/Internet</i>	41%	1%
<i>Made plant closing threats</i>	57%	3%
<i>Actually closed plant after the election</i>	15%	0%
Fear, coercion, and violence		
<i>Used guards, put up security fencing, or cameras</i>	14%	5%
<i>Brought police into the workplace</i>	21%	6%
Retaliation and harassment		
<i>Alteration in benefits and working conditions</i>	22%	3%
<i>Discharged union activists</i>	34%	3%
<i>Other harassment and discipline of union activists</i>	41%	13%
<i>Laid off bargaining unit members</i>	5%	1%
<i>Number laid off</i>	32.6	5
<i>Contracted out bargaining unit work</i>	3%	5%
<i>Number of jobs contracted out</i>	34	1

cont. on page 24

TABLE 9 (CONT.)

Comparison of employer opposition in public and private-sector campaigns

	Percent of elections	
	NLRB 1999-2003	Public 1999-2003
Promises, bribes, and improvements		
<i>Established employee involvement program</i>	15%	9%
<i>Made positive personnel changes</i>	27%	9%
<i>Made promises of improvement</i>	48%	12%
<i>Granted unscheduled raises</i>	18%	7%
<i>Promoted pro-union activists</i>	11%	2%
<i>Used bribes and special favors</i>	23%	2%
<i>Held company social events</i>	16%	1%
Other tactics		
<i>Assisted anti-union committee</i>	30%	8%
<i>Used media campaign</i>	12%	7%
<i>Involved community leaders/politicians</i>	6%	8%
Intensity of employer campaign		
<i>Number of tactics used by employer</i>	10.9	2.7
<i>Employer used no tactics</i>	6%	53%
<i>Employer ran a weak campaign (1-4 tactics)</i>	10%	25%
<i>Employer ran a moderate campaign (5-9 tactics)</i>	30%	14%
<i>Employer ran an aggressive campaign (10 or more tactics)</i>	54%	7%

SOURCE: Bronfenbrenner's analysis of Public Sector Survey data 1999-2003.

New Jersey, California, Illinois, and Washington). Five of the states in our sample—New York, New Jersey, California, Illinois, and Washington—have both card check and election certification of ballots.

In 48% of the public-sector campaigns, the employer did not campaign at all—no letters, no leaflets, no meetings. The entire decision was left up to the workers and the union. The remaining 52% of public employers did use some of the same tactics as private employers, but on an entirely different scale. Three percent discharged workers for union activity or made unilateral changes in wages and benefits, 22% held captive audience meetings, and 2% held supervisory one-on-ones at least weekly. Not surprisingly, both win rates and first contract rates continue to remain much higher in the public sector, averaging 84% overall. But in the few cases where unions are faced

with moderate or aggressive employer opposition, the win rate plummets, suggesting that they are ill-prepared for the kind of opposition that has become routine under the NLRB.

Conclusion

When examined in combination, the survey data and the ULP data confirm what many U.S. workers already know: Our labor law system is broken. Polling consistently shows that a majority of workers believe they would be better off if they had a union in their workplace (Teixeira 2007), but they also feel that they would be taking a great risk if they were to try to organize (Hart 2005). They know intuitively what our data show—that the overwhelming majority of U.S. employers are willing to use a broad arsenal of legal and illegal tactics to interfere with the rights of workers

to organize, and that they do so with near impunity. The data show that:

- 57% of employers threaten to shut down all or part of their facilities;
- One-third of employers fire workers for union activity during NLRB certification campaigns;
- 47% threaten to cut wages or benefits;
- 28% attempt to infiltrate the organizing committee;
- 14% use surveillance;
- 22% offer bribes and special favors;
- 89% of employers require their workers to attend captive-audience meetings during work hours;
- 77% had supervisors regularly talk to workers one-on-one about the union campaign, with a focus on threats of plant closings, wage and benefit cuts, and job loss; and
- More than 60% use one-on-one meetings to interrogate and harass workers about their support for the union.

This combination of threats, interrogation, surveillance, and harassment has ensured that there is no such thing as a democratic “secret ballot” in the NLRB certification election process. The progression of actions the employer has taken can ensure that the employer knows exactly which way every worker plans to vote long before the election takes place. In fact, as our data show, many of the employer campaigns were in full swing more than a month before the petition was even filed. Although most of these actions are illegal, the penalties are minimal, usually a posting of a notice, at worst back-pay (maybe with interest and reinstatement for a fired worker), and a re-run election. Even the most serious penalties—reinstatement for fired workers, or Gissel bargaining orders—are all too often recommended by the ALJ and the General Counsel only to be reversed by the full NLRB. There are no punitive damages or criminal charges, and no extra penalties for repeat offenders. The most serious penalty—a bargaining

order—simply gets the union to the first contract process, in which the anti-union campaign often continues unabated or even escalates.

Social scientists study patterns. As a researcher who has closely examined the NLRB organizing process for more than 20 years, I find the patterns of employer behavior appear deeply carved into our legal framework and employment practices. They have become so deeply engrained that we as a society have begun to accept illegal behavior as the norm, and for a long time now many workers have become resigned to the fact that no branch of government was going to listen to their pleas that the system was not just broken, but that it was operating in direct violation of the law.

In recent years, however, there seems to be a growing awareness of the failings of the law. In the three years we spent doing the work to collect and analyze data, Congress has begun considering far-reaching legislative reforms. We believe that our findings can help inform that debate and support policies that could make the NLRA once again a labor law regime private-sector workers can rely on to exercise their right to organize.

The first reform is the passage of the Employee Free Choice Act (EFCA). EFCA would provide a means to streamline the burdensome and terrifying obstacle course that the organizing and first contract process has become, while also offering more substantive penalties for the most egregious employer violations. Under EFCA, the NLRB would be required to automatically certify the union if the majority of the employees in a unit signed authorization cards designating the union as their bargaining representative. It would also establish a process for at least 30 days of mediation and then arbitration if one of the parties feels that continued bargaining is futile after at least 90 days of trying to reach an agreement.

EFCA would also create stronger penalties for labor law violations during organizing and first contract campaigns. These include making it a priority for the NLRB to seek federal court injunctions for discharges, discrimination, threats, and other interference with workers rights during organizing and first contract campaigns. It also triples back-pay awards and provides for civil fines of up to \$20,000 per violation for willful or repeat violations.

But EFCA is just a first step in putting in place a labor policy that reestablishes workers' rights to organize. We had a labor law on our books for the last 20 years that U.S. employers have violated with impunity. And the same employers who are violating the NLRA are often in violation of health and safety, wage and hour, civil rights, and other employment and labor law standards. EFCA is a start to giving workers back their rights and protections under our labor and employ-

ment laws, but it will be up to Congress, policy groups, scholars, unions, concerned citizens, workers, and, yes, employers, to make sure that our regulatory agencies and the laws they enforce are once again living up to their legislative and historical mission to protect the rights of U.S. workers. Our country cannot afford a system where the only unionized workplaces are where workers are tough, brave, and lucky enough to make it through the campaign.

Appendix: source and methodology overview

The prior research that informs and shapes this report includes four in-depth national studies of NLRB certification elections in 1986-87, 1994, 1993-95, 1998-99, and research on elections, card checks, and voluntary recognitions in state and local units in the public sector in a national sample covering all states in 1991-92 (see below). Combined, this research makes up the only extant national data on legal and illegal employer behavior during union election campaigns over time, controlling for election environment, company characteristics, union tactics, and bargaining unit demographics. By examining the effectiveness of the NLRB in enabling workers to exercise their rights to organize and in restraining illegal employer and union behavior during the organizing process, my research found that employer opposition has reduced the ability of workers to organize under the NLRB. For comparative purposes I also conducted similar research looking at state and local elections in the public sector.

This report is the product of my most recent study, which set out both to update my earlier work and expand on it by doing a full Freedom of Information Act Request (FOIA) from the NLRB for all unfair labor practice

documents relating to the elections in our sample. In combination these data allow us to provide an in-depth examination of the nature and extent of employer opposition to worker efforts to organize under the NLRB, and the functioning of the unfair labor practice charge process in dealing with that behavior. I conclude that both the intensity and changing character of employer behavior, as well as the fundamental flaws in the NLRB process, have left us with a system where workers who want to organize cannot exercise that right without fear, threats, harassment, and/or retribution.

For the 1986-87 data and analysis, see Bronfenbrenner (1994; 1997a). For 1993-95, see Bronfenbrenner (1997b), and for 1994, see Bronfenbrenner and Juravich (1998). For data and analysis of 1998-99, see Bronfenbrenner (2000) and Bronfenbrenner and Hickey (2004). For the public-sector study of 1991-92 data, see Juravich and Bronfenbrenner (1998) and Bronfenbrenner and Juravich 1995. For the purposes of this paper I will be focusing on data from the 1993-95 study rather than the 1994 study because they overlap, and the 1993-95 study was more comprehensive.

Endnotes

1. See Bronfenbrenner (1994) for the 1986-87 study, Bronfenbrenner (1997b) for the 1993-94 study, and Bronfenbrenner (2000) and Bronfenbrenner and Hickey (2004) for the 1998-99 study.
2. Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing. The Earthgrains Company and BCTWGM, 9-CA-3872; 9-CA-33901, October 27, 2007.
3. See this paper's Appendix for details.
4. The other parts of the study look at organizing under the Railway Labor Act (RLA), private-sector elections, voluntary recognitions, and card check campaigns that occur outside the NLRB process, and state and local elections and card check certifications in the public sector for seven states: Minnesota, Illinois, Florida, Washington, California, New Jersey, and New York. The RLA and non-board data analysis will be completed later this year, while the data analysis for the public sector has been completed and we will include some of those findings in this paper for comparative purposes.
5. See Bronfenbrenner (2005) at http://works.bepress.com/kate_bronfenbrenner/14 for summary statistics on the population and a complete discussion on how the data for the population were compiled. We chose 1999-2003 to include some years before the economic downturn and to allow at least three years for the parties involved in all elections in the sample to process election objections and attempt to bargain a first contract. We limit the sample to units with 50 or more eligible voters so there would be enough data to analyze the full spectrum of variables we are examining. A question might be raised as to whether that would impact on the representativeness of the ULP data for the overall population. We did examine the relationship between unit size and number of ULPs, and did not find any consistent pattern between the size of the unit and the number or nature of the ULPs filed.
6. The only unions underrepresented in the returned surveys were independent unions, in particular local independent unions (23% return rate for local independents, 33% for national and state independents). This was because, for quite a few of the local independents, the only listing we had from the NLRB was simply "LIND," so we had no contact information. Even for those with contact information, many of the small independents went out of existence after losing the election, and there was no listing or person to contact. We do believe, however, that for the national independents that we did get a representative sample, since such a high percentage all come out of the same occupations and cluster of unions, and we were able to get returned surveys from a representative cross section of the major national independent unions operating during that period, including the nurse unions, United Electrical Workers (UE), and the various security guard unions, several of which affiliated with each other during the period of our study.
7. Although we did not receive all the documents for every case, we did get complete documents for 69% of the cases with ULPs in our full sample and 74% of the returned surveys. For the remaining 29% of the total sample and 24% of the survey cases with ULPs, where the full official records would normally have been destroyed by the NLRB because more than six years had gone by, we received at least a charge sheet and a letter describing the disposition of the case, or a letter describing the charges and disposition of the case, except for eight cases in the survey sample and two additional cases in the full sample where the NLRB was unable to find any record of the case. For the 21% of those cases where the NLRB was only able to send us a charge sheet because the other records were destroyed, we then used the CA number to conduct an "Unfair Labor Practice (Complaint Case) Advanced Search" on the <http://mynlrb.nlr.gov> Web site hosted by the NLRB to find out the disposition for the case. This left us only with at most 22% of the survey cases and 22% in the total ULP sample that we were missing ULP data, and of those 11% of the survey cases and 14% of the full ULP sample cases had been confirmed by the NLRB as ULPs, but they reported to us all records had been destroyed.
8. In addition to reporting out the findings from these data in this report, summary data from these documents have been entered into a searchable database that will be made available to other scholars and researchers, making this the first ever dataset of ULPs occurring during NLRB campaigns that is based on a national random sample.
9. My estimates for the number of workers organizing in the public-sector and non-board campaigns came from the data we collected to create our population for the public-sector and non-board survey sample. For the public-sector survey we collected complete data from a cross section of five states (later adding data from two other states). I used the data from the five states that are representative of the types of public-sector elections from across the country and the range of election activity to estimate that the number of new workers organized averages 400,000 a year. Similarly, I used the numbers coming in to us from the non-board survey in our sample to come up with an estimate of 250,000-300,000. NMB election numbers average between 10,000 and 25,000 per year. Thus the total number of workers organized should range between 600,000-800,000 depending on the year. My numbers are consistent with those reported by the federations.
10. Just as this report went to press, the BNA released its 2008 election update. It showed that the total number of NLRB elections increased from 1,510 to 1,579, and the win rate increased from 61% to 67%. However, the total number organized under the NLRB remained quite small at 70,511. This represents less than 20% of the estimated 400,000 workers who organize each year in the private sector.
11. The actual percentage of employers who issued solicitation/distribution rules is likely much higher than 10% because we did not include a question about solicitation/distribution under the employer behavior section of the survey, but 10% of the respondents reported on their surveys that they had filed unfair labor practice charges regarding solicitation/distribution rules that were settled or upheld by the NLRB.
12. Although the data don't show up in the table, we also found an increase in interrogation, threats of benefit cuts, harassment, and more onerous assignments, overtime, etc. We did not include specific questions in the surveys, but we did have a column for other and for comments on why the union lost the election in each of the four surveys. In addition, we had copies of primary employer campaign documents, unfair labor practice documents, and the detailed case summaries for the NAALC Trade Secretariat for the 1993-95 study (Bronfenbrenner 1996) and the U.S. Trade Deficit Review Commission for the 1998-99 study (Bronfenbrenner 2000). In combination, these data suggest a dramatic increase in interrogation, threats, discipline, harassment, and alteration of benefits and working conditions.

13. Rugby Manufacturing and USW, ALJ Decision, Paul Bogus, August 30, 2002, 18-CA-15-802; 18-CA-16154; 18-CA16475; 18-CA16008: 3.
14. Settlement Correspondence Letters dated January 22, 2003, Rugby Manufacturing, 18-CA-15802 et al.
15. The number of allegations filed per election for the survey sample ranged from 1 to 27 with a mean of 3.97 and a median of three, while the number of allegations per election for the full NLRB election sample ranged from 1 to 52 with a mean of 4.49 and a median of three. Thirty percent of all elections in both the survey sample and the full NLRB election sample had only one allegation filed, and 9% of the elections in the survey sample and 7% of the full NLRB election sample had 10 or more ULP allegations. However, two serious discharge allegations can lead to an election being overturned, while 10 vague threats would easily be dismissed. Thus, it is content rather than number of allegations that matters the most.
16. These percentages are not percent of elections but percent of the 1,387 allegations filed that we have documented records for in the 1,004 elections in our total sample and the 926 allegations filed that we have documented records for in our survey sample. The handful of allegations that appear to be relating to a contract rather than election campaign are tied to organizing campaigns that occurred in units where employers had withdrawn recognition in previously organized units, and unions were litigating those cases while simultaneously running new organizing campaigns in the same units. This table does not include cases where we know ULPs were filed but do not know the specific nature of the allegations because the records were destroyed.
17. We also ran the same data for the survey sample and compared it against the disposition numbers for the NLRB election sample and found them to be consistent across every category.
18. MIT researcher John-Paul Ferguson collected ULP data for a similar time period for his study on ULP charges from 1999-2004. Using the CATS data he made FOIA requests to the NLRB and received data confirming ULPs for 20% out of more than 22,000 ULPs (2008). The difference is not surprising given that we had a random sample of 1,004 elections rather than his much larger study, and we had full information to include with our FOIA requests on employer name, address, certification date, election date, number of eligible voters, and election outcome. In addition, we allowed enough time to send two FOIA requests to the region and then a follow up FOIA request to both the Region and NLRB Headquarters. Most important, our response rate from the NLRB was 98% from our sample, thus suggesting that our numbers more accurately capture current ULP rates. Still, despite the difference in percentages, our overall findings about the adverse impact that ULPs have on the election process serve to complement rather than contradict each other's work.
19. The term "Threats" includes all elections in which the employer made threats of plant closing, benefit cuts, and threats to report workers to INS/ICE. It also includes employer threats of filings for bankruptcy and threats made in supervisor one-on-ones. "Assistance" or "Domination" included cases in which employers assisted with the anti-union committee or used an NLRB-like front group.

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Finally and most importantly, I want to express my appreciation toward the countless workers who participated in the campaigns we studied in this research project. Their stories of struggle for the right to union representation, collective bargaining, and dignity and justice in their workplace are the real purpose behind our work. My hope is that this research will help serve as one small step in helping them finally achieve the justice on the job they have fought so bravely against such great odds to achieve.

DELTA EXHIBIT I

RESPONDING TO UNION RHETORIC: The Reality of the American Workplace

A U.S. Chamber of Commerce White Paper

Union Studies on Employer Coercion
Lack Credibility and Integrity



LABOR, IMMIGRATION &
EMPLOYEE BENEFITS DIVISION

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Union Studies on Employer Coercion Lack Credibility and Integrity

For several years, organized labor has embarked on a campaign to advance its legislative agenda using messages that demonize employers and pillory U.S. labor laws and those responsible for implementing and enforcing them. This paper is one in a series that will expose organized labor’s rhetoric and provide an alternative perspective. In particular, it will explore and rebut organized labor’s plethora of studies that misconstrue labor law and distort statistics.

Recent legislative proposals to “reform” U.S. labor laws¹ have prompted significant public debate concerning whether such change is necessary and questioning the supposed benefits of the proposed reforms. The importance of this debate and the potential implications the various legal changes could have on the American workplace and economy make it imperative that data used to support arguments for and against labor law reform are both credible and analytically sound. Too much is at stake to distort this debate with biased studies with pre-determined outcomes.

In support of their legislative agenda, allies of organized labor frequently cite various studies to support the claim that employer coercion and a flawed National Labor Relations Board (NLRB or Board) election process stifle a considerable but unrealized demand for union representation. This paper analyzes several of the studies most often relied upon to support the positions advanced by organized labor—establishing that these studies lack sufficient credibility and analytical rigor to justify the radical overhaul of federal labor law promoted by the suggested reforms.

Some of the more prominent studies in support of labor reforms, for example, are sponsored by third-party institutions either dominated by organized labor or that have a decidedly pro-union agenda. Likewise, the allegations of widespread employer abuse, coercion, and intimidation in response to union organizing are based primarily on surveys and interviews of union organizers—hardly the credible and unbiased research one would expect from purportedly scholarly studies. The studies also claim alleged employer abuses are proven by certain NLRB documents and statistics compiled in the course of union organizing campaigns. Most of the conclusions reached by the studies, however, are based on accusations rather than findings and fail to acknowledge other NLRB data that tend to contradict the conclusions.

Furthermore, the pro-“reform” studies use an outcome-determinative analysis as the studies, relying solely on union-sponsored surveys ignore an overwhelming number of independent surveys that reach completely opposite conclusions. Relying primarily on pro-union sources to reach pro-union conclusions to support a pro-union agenda for reform, mischaracterizes and confuses the public debate about whether otherwise lawful employer conduct creates an artificial cap on union membership.

¹ See, e.g., Employee Free Choice Act, H.R. 1409, S. 560, 111th Cong. (1st Sess. 2009).

The bottom line is that these studies are fraught with error and cannot be relied upon to support the claims made by organized labor.

Overview of the Pro-“Reform” Studies

One of the most recent studies—one repeatedly cited by organized labor to support proposed labor reforms—is titled *No Holds Barred—The Intensification of Employer Opposition to Organizing* by Kate Bronfenbrenner,² a former union organizer and now Director of Labor Education Research for the Cornell University, School of Industrial and Labor Relations. *No Holds Barred* alleges that a “coercive and punitive climate for organizing” undermines employee free choice in choosing union representation and necessarily dictates a “serious” labor law reform.³ Bronfenbrenner bases many of her conclusions on a 2001 study that she herself authored titled *Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing* that focuses on the purported impact of alleged employer threats of plant closure on union elections and first contract bargaining.⁴ These conclusions are then repeated in an Issue Brief published by the AFL-CIO titled *The Silent War: The Assault on Workers’ Freedom to Choose a Union and Bargaining Collectively in the United States*⁵ as well as a 2006 book by Richard B. Freeman and Joel Rogers titled *What Workers Want*.⁶

Organized Labor’s Objective: Make the Case to Justify Radical Labor Law Change

Virtually every one of these studies claims that employer coercion and intimidation, inadequate legal protections for employees seeking to unionize, and an inherently flawed NLRB election mechanism necessitate a radical overhaul of federal labor laws designed to “level the playing field” between unions and employers and ultimately make it easier for unions to organize employees. With private sector union employee membership stuck at less than eight percent,⁷ organized labor has seized on a strategy of changing the rules so they can rebuild their membership ranks.

Of these proposed “reforms,” the most radical—and the “reform” that has triggered the greatest public debate—is the Employee Free Choice Act (EFCA). As currently proposed, the EFCA would effectively strip employees of the right to a federally supervised secret ballot election by requiring that employers recognize and bargain with a union once the union obtains signed cards from a majority of employees;

² Kate Bronfenbrenner, *No Holds Barred—The Intensification of Employer Opposition to Organizing*, May 20, 2009, Economic Policy Institute Briefing Paper #235, available at <http://www.epi.org/publications/entry/bp235/>.

³ *Id.* at 3.

⁴ Kate Bronfenbrenner, *Uneasy Terrain: The Impact of Capital Mobility on Workers, Wages, and Union Organizing*, Sept. 2000, available at <http://digitalcommons.ilr.cornell.edu/reports/3/>.

⁵ *The Silent War: The Assault on Workers’ Freedom to Choose a Union and Bargaining Collectively in the United States*, AFL-CIO Issue Brief, Sept. 2005, available at http://www.aflcio.org/joinaunion/how/upload/vatw_issuebrief.pdf.

⁶ RICHARD B. FREEMAN & JOEL ROGERS, *WHAT WORKERS WANT* (1999).

⁷ Economic News Release, Bureau of Labor Statistics, U.S. Department of Labor, *Union Members in 2008*, tbl. 3 – *Union affiliation of employed wage and salary workers by occupation and industry*, Jan. 28, 2009, available at <http://www.bls.gov/news.release/union2.nr0.htm>.

require an arbitrator to set all terms of employment if the employer and union cannot agree on a first contract within 120 days; and significantly increase penalties for employers (but not unions) who are guilty of unfair labor practices, including treble damages and civil penalties up to \$20,000.

Another radical “reform” being pushed by a number of unions and academics involves the concept of “minority bargaining rights”—which would effectively turn the idea of majority representation on its head.⁸ Recognizing minority bargaining rights would require that private-sector employers negotiate with union members in cases where the union in question has the support of less than half of all the affected employees. While the National Labor Relations Act (NLRA) now requires that employers must recognize and bargain with a union only where the union has been certified as representing a majority of employees in a particular bargaining unit, the minority bargaining initiative would require that the employer recognize and bargain with a union even where the union does not necessarily represent a majority of employees. In 2007, seven unions petitioned the NLRB to promulgate regulations to force employers to recognize minority bargaining rights.⁹ The unions filed the petition after the dismissal of an unfair labor practice (ULP) complaint that centered on the minority bargaining rights issue.¹⁰ The union petitioners claimed that it was seeking the rule change to vindicate its “members’ statutory rights to engage in minority-union collective bargaining” where there is no workplace representation.¹¹ The *New York Times* called such a move a “sharp departure from current practices.”¹²

In addition to these reforms, organized labor and its supporters are promoting legislation that would eliminate the use of permanent strike replacement workers during an economic strike,¹³ re-write the definition of “supervisors” under the NLRA much more narrowly so that more such employees could be organized,¹⁴ and eliminate right to work laws, thus requiring compulsory unionization.¹⁵

All of these proposed reforms have two primary objectives: (1) make it easier for unions to organize employees by significantly curtailing an employer’s ability to lawfully communicate to employees about unions and unionization; and (2) reduce employer leverage in dealing with labor unions—providing unions with an unfair advantage in dealing with employers.

⁸ See, e.g., CHARLES J. MORRIS, *THE BLUE EAGLE AT WORK: RECLAIMING DEMOCRATIC RIGHTS IN THE AMERICAN WORKPLACE* (2004).

⁹ *In the Matter of Rulemaking Regarding Members-Only Minority-Union Collective Bargaining*, NLRB Petition, United Steel, Paper and Forestry, Rubber Manufacturing, Energy, Allied Industrial and Service Workers International Union, Aug. 14, 2007.

¹⁰ *Id.* at 7; see also *Dick’s Sporting Goods, Inc.*, Case No. 6-CA-34821 (June 26, 2006).

¹¹ See NLRB Petition *supra* note 9, at 7.

¹² Steven Greenhouse, *Seven Unions Ask Labor Board to Order Employers to Bargain*, N.Y. TIMES, Aug. 15, 2007, at A14.

¹³ See, e.g., OBAMA FOR AMERICA, *CHANGE WE CAN BELIEVE IN 40* (2008); H.R.2320, S. 1107, 107th Cong. (1st Sess. 2001).

¹⁴ The Re-Empowerment of Skilled and Professional Employees and Construction Tradeworkers (RESPECT) Act, H.R. 1644, S. 969, 110th Cong. (1st Sess. 2007).

¹⁵ H.R. 6477, 110th Cong. (2nd Sess. 2008).

Flawed Methodologies Undermine Critical Pro-“Reform” Studies

Bronfenbrenner

As noted above, one of the most frequently cited studies is the briefing paper *No Holds Barred* authored by Kate Bronfenbrenner for the Economic Policy Institute (EPI). The Executive Summary of the briefing paper concludes that a “coercive and punitive climate for organizing” undermines employee free choice in choosing union representation and necessarily dictates “serious labor law reform.”¹⁶ According to Bronfenbrenner:

Our findings suggest that the aspirations for representation are being thwarted by a coercive and punitive climate for organizing that goes unrestrained due to a fundamentally flawed regulatory regime that neither protects [workers’] rights nor provides any disincentives for employers to continue disregarding the law. Moreover, many of the employer tactics that create a punitive and coercive atmosphere are, in fact, legal. Unless serious labor law reform with real penalties is enacted, only a fraction of the workers who seek representation under the National Labor Relations Act will be successful. If recent trends continue, then there will no longer be a functioning legal mechanism to effectively protect the right of private-sector workers to organize and collectively bargain.¹⁷

Although *No Holds Barred* claims to be a “comprehensive analysis” based on “unique and highly credible information,” the methodologies and analytical framework of Bronfenbrenner’s piece reflect the biased and result-oriented nature of many of these purportedly academic studies.¹⁸ At the outset, however, the credibility and integrity of the Bronfenbrenner study is questionable because it was co-sponsored by the EPI and American Rights at Work (ARW)—both of which are pro-union institutions that have substantial interest in the study concluding that employer opposition to union organizing justifies far-reaching labor-law reforms.

In that regard, *No Holds Barred* describes sponsor EPI as “a nonprofit, nonpartisan think tank that seeks to broaden the public debate about strategies to achieve a prosperous and fair economy.”¹⁹ In reality, however, while EPI describes itself as “nonpartisan” it is by no means neutral. Rather, it is an institution overwhelmingly dominated by labor unions and other pro-labor organizations.²⁰ Thus, while on the

¹⁶ Bronfenbrenner, *supra* note 2, at 1.

¹⁷ *Id.* at 3.

¹⁸ *Id.* at 1.

¹⁹ *Id.*

²⁰ For example, EPI’s Board of Directors is composed of several current union presidents from some of the largest labor organizations in the country, including Andy Stern, President of the Service Employees International Union (SEIU); Larry Cohen, President of the Communications Workers of America (CWA); Ron Gettelfinger, President of the United Auto Workers (UAW); Bruce Raynor President of Workers United (and former President of UNITE HERE); Ed McElroy, President Emeritus of the

surface the apparent sponsorship by a “nonprofit, nonpartisan think tank” would lend credibility to Bronfenbrenner’s study, the overwhelming dominance of EPI by organized labor completely undermines the supposed impartiality and credibility of any conclusions Bronfenbrenner reaches in *No Holds Barred*.

Likewise, pro-union ARW—which also sponsored *No Holds Barred*—is far from neutral. The ARW website indicates the organization is “an educational and outreach organization dedicated to promoting the freedom of workers to form unions and bargain collectively.”²¹ The Service Employees International Union (SEIU) paid ARW more than \$1.1 million in 2008, while the AFL-CIO and its affiliates gave \$2.3 million, according to U.S. Department of Labor financial disclosures.²²

Moreover, *No Holds Barred* is inherently flawed because Bronfenbrenner relies solely on data and resources that support her pre-conceived conclusions and repeatedly dismisses or ignores studies, data, and resources that undermine the result-oriented conclusions of her allegedly “empirical” analysis. Indeed, even Bronfenbrenner’s data collection methodology is highly questionable. For example, the primary source of the anecdotal “evidence” Bronfenbrenner used to support her conclusions comes from “in depth surveys with the lead organizers” involved in the organizing campaigns included in the “NLRB election sample” of approximately 1000 NLRB elections conducted between 1999 and 2003.²³ Using the lead union organizers involved in these campaigns can hardly be considered unbiased sources. To the contrary, the lead organizers would have every incentive to exaggerate and falsify the data provided to Bronfenbrenner in order to either provide excuses for their failure to win the underlying election or to promote the goals of organized labor to secure labor law reforms designed to make organizing easier. Yet, Bronfenbrenner fails to even consider the possible bias of lead union organizers as a primary source.

Although she relies on union organizers as a primary source without reservation, Bronfenbrenner abruptly dismisses employers as a countervailing source—claiming employers would likely falsify any information provided because “the overwhelming majority of employers are engaging in at least one or more illegal behaviors.”²⁴ According to Bronfenbrenner:

Not only would it be next to impossible to get employers to complete surveys in which they honestly reported on illegal activity, but that kind of question would not be permitted by university institutional review boards since it might put the subjects at risk of legal action.²⁵

American Federation of Teachers (AFT); Richard Trumka, Secretary Treasurer of the AFL-CIO, and many others. Economic Policy Institute, Board of Directors, <http://www.epi.org/pages/board/>.

²¹ American Rights at Work, About Us, <http://www.americanrightsatwork.org/about-us.html>.

²² See Office of Labor-Management Standards, U.S. Department of Labor, *Payer/Payee Search* (last accessed July 23, 2009).

²³ Bronfenbrenner, *supra* note 2, tbl. 1.

²⁴ *Id.* at 5-6.

²⁵ *Id.* at 6.

Bronfenbrenner immediately ascribes dilatory motives to employers and conveniently dismisses any information employers could provide to contradict the presumptions and anecdotal evidence provided by the supposedly unbiased union organizers. Such open and unfounded hostility and bias discredits any analysis and conclusions that flow from the data.

Nevertheless, in response to critics who question the reliability of using union organizers as a data source, Bronfenbrenner claims the data they provide is supported by “NLRB decisions and transcripts, primary campaign documents, first contracts, and newspaper reports”—the likely sources of which are the very union organizers themselves.²⁶ Such circular reasoning hardly rehabilitates her or her study’s credibility.

Moreover, rather than obtain actual data from employees who were personally involved in the campaigns that comprise her “NLRB election sample,” Bronfenbrenner chooses to rely on speculative data obtained from “individual voter studies that poll unorganized workers about how they *think* employers would react to an organizing attempt.”²⁷ Despite referencing unidentified “individual voter studies,” Bronfenbrenner fails to provide any information to substantiate the underlying data from these alleged studies.²⁸ Critical questions—such as who was “polled,” how was the sample determined, and what questions were these individual voters asked—are never discussed by Bronfenbrenner.

Notably, Bronfenbrenner refers to the subjects as “individual *voter[s]*.”²⁹ Yet, by definition these unorganized, non-union employees were asked to speculate as to how they think an employer would respond to organizing were never involved in a union campaign—so they never actually voted in an NLRB election. Thus, it is completely disingenuous for Bronfenbrenner to refer to these sources as “individual voters.” In addition, because they were asked to speculate about supposedly unlawful employer conduct, it is apparent these sources have no first hand knowledge of any purportedly unlawful or otherwise coercive campaign activities by employers. Accordingly, any information provided by these sources is inherently unreliable and any conclusions based on such data are speculative and untrustworthy.

Apparently recognizing the inadequacy of her data collection methods, Bronfenbrenner attempts to justify her failure to use more accurate data by claiming that obtaining the actual data from the employees purportedly subject to the coercive and threatening behavior by employers would be too difficult and expensive to obtain.³⁰ Therefore, Bronfenbrenner chooses to base her conclusions on unidentified studies of

²⁶ *Id.* at 5.

²⁷ *Id.* (*Emphasis added*)

²⁸ *Id.*

²⁹ *Id.*

³⁰ “Getting even modest funding for research on organizing is extremely difficult, but to conduct a study that would be representative of a broad enough cross-section of workers from different kinds of industries, unions, and employer campaigns would require an extremely large sample and a very labor intensive survey process, with the probability of a very small return rate.” *Id.*

“individual voters” who in turn speculate about how they *think* employers might react to organizing.

Bronfenbrenner’s *Uneasy Terrain* suffers from the same methodology problems as *No Holds Barred*. Published in 2000, *Uneasy Terrain*, sought to establish the supposedly negative effects of capital mobility on working Americans.³¹ The report, published at the request of the U.S. Trade Deficit Review Commission, under the Clinton Administration, concluded that a majority of employers threaten to close down factories if employees vote to unionize and that employers fire employees in one quarter of union organizing drives.³² Like *No Holds Barred*, *Uneasy Terrain* relies on a sample of union organizers:

asking them a series of questions about plant closings and threats of plant closings along with data on election background, organizing environment, bargaining unit demographics, company characteristics and tactics, labor board charges and determinations, union characteristics and tactics, and election and first contract outcomes. . . . In-depth follow-up phone interviews were also conducted for all cases where plant closings or threats of plant closings were reported by the organizers to have played a role in the organizing process.³³

In large units, Bronfenbrenner acknowledges, “unions are running more campaigns and winning more elections in units with 500 or more eligible voters.”³⁴ Bronfenbrenner even included an important explanation for why the numbers on union organizing may be depressed—the heaviest “user” is not very good at organizing:

The Teamsters (IBT) remain the most active union, accounting for 29 percent of the elections in 1998 and 30 percent of the elections in 1999. However, because most of their elections are concentrated in very small units, and because their win rate averages only 41 percent, they account for only 17 percent of workers in units where the union won the election.³⁵

Indeed, Bronfenbrenner subsequently opined the most significant factor in union density is organized labor’s own campaign tactics. In May 2003, the *Multinational Monitor*, an anti-corporation publication, published an interview with Bronfenbrenner in which she said:

I still believe the biggest factor contributing to union decline in organizing success is that unions have not been doing what it takes to organize. Employers have always been anti-union—that is relatively constant. The arsenal of tactics that employers use across the private sector becomes more sophisticated over time, but is basically consistent. It is predictable. Our labor laws have been bad

³¹ Bronfenbrenner, *supra* note 4.

³² *Id.* at 8 (citing her own 1997 study).

³³ *Id.* at 13.

³⁴ *Id.* at 16.

³⁵ *Id.* at 17.

for a long time, and look like they are going to be bad for a long time to come. The one variable over which unions have control is the kind of campaign they run.

As I've monitored union organizing tactics over the last 20 years, what I've found is that despite the fact that some unions are winning and some unions are running more comprehensive campaigns, and despite the fact that we know which tactics are more effective to win, the majority of unions in the United States still tend to run weak campaigns. They do not put enough resources into the campaign, they are not strategic about organizing, they are not building the kind of momentum and power necessary to take on the large multinationals that dominate the U.S. employment landscape.³⁶

Rehashing Bronfenbrenner

Given the methodological flaws and bias in Bronfenbrenner's studies, further reliance on them is troubling. Yet researchers associated with ARW produced a report in 2005 titled *Undermining the Right to Organize: Employer Behavior During Representation Campaigns*, which they claimed "complements Bronfenbrenner's seminal work."³⁷ This "study" drew an ugly portrait of American employers, claiming 30 percent fired workers when they engaged in union activities; 49 percent threatened to close or relocate all or part of the business if workers elected to form a union; and 82 percent used consultants to design and coordinate their campaign to educate employees.³⁸

The study suffers from multiple flaws and biases. First, taking a page from Bronfenbrenner, the study surveyed only union organizers and union-selected activists from only union-representation campaigns in the Chicago region.³⁹ Second, the study's lead author, Chirag Mehta received \$62,472 from the SEIU in 2005—the same year he published *Undermining the Right to Organize*, which raises the issue of his impartiality.⁴⁰ Third, the report was produced for ARW, which, as previously described, is a group tightly aligned with and financially supported by organized labor, principally the SEIU.⁴¹

Abusing and Ignoring Government Data

³⁶ *Declining Unionization, Rising Inequality: An Interview with Kate Bronfenbrenner*, 24 MULTINATIONAL MONITOR, No. 5 (2003), available at <http://www.multinationalmonitor.org/mm2003/052003/interview-bronfenbrenner.html>.

³⁷ Chirag Mehta & Nik Theodore, *Undermining The Right To Organize: Employer Behavior During Representation Campaigns* 4, American Rights at Work (2005), available at <http://www.americanrightsatwork.org/dmdocuments/ARAWReports/UROCUEdcompressedfullreport.pdf>.

³⁸ *Id.* at 5.

³⁹ *Id.* at 6.

⁴⁰ See Office of Labor-Management Standards, U.S. Department of Labor, *Payer/Payee Search* (last accessed July 23, 2009).

⁴¹ See *supra* notes 20 and 21 and accompanying text.

Many of the prominent pro-union studies purporting to find widespread employer coercion are at direct odds with NLRB data. One such study is *Dropping the Ax: Illegal Firings During Union Election Campaigns, 1951-2007*, written by John Schmitt and Ben Zipperer.⁴² Like Bronfenbrenner, Schmitt and Zipperer conclude that nearly a quarter of union campaigns include an illegal firing.⁴³ Moreover, Schmitt and Zipperer conclude that individual pro-union workers run a 1.4 to 1.8 percent risk of being unlawfully fired by their employers.⁴⁴

In refuting these inflated claims, the devil is indeed in the details. As discussed in an analysis by David L. Christlieb and Allan G. King, published in June 2007, the startling conclusions found in *Dropping the Ax* are drawn from a fundamentally flawed methodology.⁴⁵ To calculate the “crude probability” that a pro-union employee will be illegally terminated during a campaign, Schmitt and Zipperer use a complex mathematical formula:

They begin with the total number of cases closed by the NLRB in a given year in which employees were offered reinstatement... and assume... that (1) every offer of reinstatement remedies an unlawful firing. They next assume (2) that 51 percent of these cases arose during election campaigns and (3) that, on average, 2.2 workers were reinstated in each case closed by an offer of reinstatement. Thus, they multiply these three numbers to estimate the total number of workers illegally fired in connection with a union election campaign in a given year. Schmitt and Zipperer then divide this by the total number of workers who voted in favor of a union in a union election that year.⁴⁶

The most glaring flaw in the above methodology is the assumption that an offer of reinstatement is tantamount to an admission by the employer of an unlawful termination. According to the NLRB statistics reported for 2005 (the year analyzed in *Dropping the Ax*), nearly 90 percent of the offers of reinstatement were settled with no determination by the Board, or any judicial or administrative body, regarding the merits of the charged unfair labor practice.⁴⁷ Schmitt and Zipperer simply ignore the (admittedly unknowable) number of settlements prompted by an employer’s desire to avoid legal expenses, reputational damage, or workplace unrest. Furthermore, their methodology gives no weight to the non-admission clauses that are often part of informal settlements. Had the

⁴² John Schmitt & Ben Zipperer, *Dropping the Ax: Illegal Firings During Union Election Campaigns, 1951-2007*, Center for Economic Policy Research (2009), available at <http://www.cepr.net/documents/publications/dropping-the-ax-update-2009-03.pdf>.

⁴³ *Id.* at 1.

⁴⁴ *Id.*

⁴⁵ David L. Christlieb and Allan G. King, *The Perils of Union Activism Have Been Greatly Exaggerated*, Littler Mendelson (2007), available at <http://www.littler.com/PressPublications/Documents/16586.pdf>.

⁴⁶ *Id.* at 2.

⁴⁷ See *Seventieth Annual Report of the National Labor Relations Board, tbl. 4—Remedial Actions Taken in Unfair Labor Practice Cases Closed, Fiscal Year 2005* (2005), available at http://www.nlr.gov/nlr/shared_files/brochures/Annual%20Reports/Entire2005Annual.pdf.

authors only counted the reinstatement cases where a neutral found that an employer had made an illegal firing, the key statistic (the chance of a given union supporter being illegally terminated) drops to around one-tenth of the reported 1.4 – 1.8 percent statistic (itself not even an alarming level).

The second assumption on which *Dropping the Ax* rests, that 51 percent of reinstatements remedy unlawful firing occurring in the context of a union campaign, is also clearly flawed for several reasons.⁴⁸ Relying on 52-year-old and 27-year-old samplings of NLRB adjudications, Schmitt and Zipperer develop the 51 percent statistic from cases that were adjudicated by the Board. They then go on to apply that factor to every unfair labor practice charge, adjudicated or settled.

More telling is the fact that current NLRB statistics render the old and misapplied statistics used by Schmitt and Zipperer unnecessary. The NLRB maintains a database called the Case Activity Tracking System (CATS) that records which unfair labor practice charges are associated with union election campaigns. In 2005, CATS data showed that only 62 of the reinstatement cases were campaign related.⁴⁹ By comparison, Schmitt and Zipperer assumed that 521 of the same cases were campaign related.⁵⁰ Obviously, this disparity has a significant impact on the bottom line conclusions found in *Dropping the Ax*. Had the authors chosen to plug the current and available NLRB data into their methodology, their conclusion that a given union supporter has a 1.4–1.8 percent chance of being terminated would plummet to 0.16–0.2 percent.

To complete the analysis, if voluntary settlements were excluded from the equation and the CATS statistics were used to replace the outdated and misapplied sampling of NLRB adjudications, *Dropping the Ax* would draw a very different conclusion, replacing 1.4–1.8 percent with a 0.13 percent probability that a pro-union worker will be terminated during a union campaign.

Claims that employers abuse employees during union organizing are further contradicted by examining the Board's approach to issuing bargaining orders during the relevant period. In *NLRB v. Gissel Packing Co.*, 395 U.S. 575 (1969), the United States Supreme Court upheld the Board's authority to issue a remedial bargaining order based on union authorization cards from a majority of employees rather than an election—when the employer commits unfair labor practices so serious that it is all but impossible to hold a fair election even with the traditional Board remedies. Based upon *Gissel*, when an employer engages in the type of abusive, coercive, and intimidating conduct that organized labor claims undermines the NLRB election process and occurs with regularity, the unions have an effective remedy—object to the employer's alleged misconduct and seek a bargaining order. If the Board concludes that the employer's abusive conduct undermines employee free choice, the Board has the authority to order

⁴⁸ See Schmitt and Zipperer, *supra* note 42, at 5.

⁴⁹ J. Justin Wilson, *An Analysis of Current NLRB Data on Unlawful Terminations During Union Organization Campaigns, 2007 to 2008*, Center for Union Facts (Feb. 26, 2009).

⁵⁰ *Id.*

the employer to recognize and bargain with the union based solely on the union obtaining signed cards from a majority of employees.

Consequently, if organized labor's claims of widespread employer abuse, coercion, and intimidation have any credibility, one would expect that the unions would have filed numerous objections against the employer for engaging in conduct that undermined the election, and further that the Board would have issued a significant number of bargaining orders requiring that the employer recognize and bargain with the union. Board statistics, however, fail to support these conclusions.

Contrary to the unions' claims, very few organizing efforts result in a *Gissel* bargaining order.⁵¹ Likewise, a review of the total number of objections filed in connection with NLRB elections in 2008 fails to support claims of widespread employer misconduct. For example, in 2008, objections were filed in connection with only 147 elections; 57 of those objections were withdrawn.⁵² Thus, the Board ruled on only 90 objections in 2008, and of those 90 objections only seven (7.8 percent) were sustained.⁵³

Therefore, Board statistics regarding the filing of objections in connection with NLRB elections and the issuance of bargaining orders as a result of unlawful and coercive employer conduct during campaigns do not support the underlying premise of the pro-“reform” studies. In fact, the empirical evidence and NLRB data are contrary to the claims advanced by organized labor and the pro-“reform” studies. Moreover, the pro-“reform” studies fail to mention these statistics—which further undermines the credibility of their analyses.

Union Attacks on Employer Consultants and the So-Called Unlevel Playing Field

The pro-union reform drumbeat has often focused on the supposed disparity between the pro-union workers attempting to secure union representation and management who hire consultants to assist them in responding to union organizing.⁵⁴

Most critics of employers' use of consultants cite to the work of John Logan, with the London School of Economics, who has written extensively on this issue. Representative of his writings are two papers, *Consultants, lawyers, and the 'union free' movement in the USA since the 1970's*⁵⁵ and *The Union Avoidance Industry in the United*

⁵¹ See Terry Bethel, *The Failure of Gissel Bargaining Orders*, 14 HOFSTRA LAB. L.J. 423 (1997).

⁵² See *Seventy-Third Annual Report of the National Labor Relations Board, tbl. 11D—Disposition of Objections in Representation Cases Closed, Fiscal Year 2008* (2008), available at http://www.nlr.gov/nlr/shared_files/brochures/Annual%20Reports/Entire2008Annual.pdf.

⁵³ *Id.*, tbl. 11B – *Representation Elections in Which Objections and/or Determinative Challenges Were Ruled on in Cases Closed, Fiscal Year 2008*.

⁵⁴ See generally, Gordon Lafer, *Neither Free Nor Fair: The Subversion of Democracy Under NLRB Elections*, American Rights at Work (2007), available at <http://www.americanrightsatwork.org/dmdocuments/ARAWReports/NeitherFreeNorFair.pdf>.

⁵⁵ John Logan, *Consultants, lawyers, and the 'union free' movement in the USA since the 1970s*, 33 INDUS. REL. J. 197 (2002), available at <http://www.americanrightsatwork.org/dmdocuments/OtherResources/Logan-Consultants.pdf>.

States.⁵⁶ Logan’s work describes the growth of the use of consultants by employers faced with organizing campaigns and describes numerous tactics that these consultants have reportedly used over the last four decades.

To be sure, Logan describes some tactics that are illegal and reprehensible. For example, he claims that “[s]ome consultants tell employers to fire a few union activists . . . and teach them how to make these terminations appear legitimate.”⁵⁷ However, many of the tactics Logan describes are perfectly legal and are tactics that most neutral observers would likely agree are perfectly legitimate. For example, he describes as consultant “propaganda” information about what is in the union’s constitution and information related to union dues requirements.⁵⁸ Likewise, he is critical of employers informing employees about some of the basic legal consequences of unionization, such as surrendering the right to deal directly with management.⁵⁹

The credibility of Logan’s, and similar work, is significantly damaged by its failure to distinguish between legal and illegal conduct, perhaps because many within organized labor believe employers should have no role in union organizing campaigns⁶⁰ and that employer free speech should be abolished.⁶¹

Without question, many employers facing the prospect of a union election do employ the services of labor attorneys and/or “union avoidance” consultants. The simple reason is that the typical employer *needs* these individuals to have any hope of remaining on the right side of the law and avoid handing the union(s) any opportunity to gain leverage by filing an unfair labor practice charge.

Typically, the primary goal of the labor attorney is to provide ongoing advice that will enable the employer to successfully navigate the maze of precedent set forth in decades of decisions by the NLRB. To be sure, some legal requirements—such as the prohibition on terminating employees who advocate union representation—are understood by most employers even in the absence of legal counsel. However, the

⁵⁶ John Logan, *The Union Avoidance Industry in the United States*, 44 BRIT. J. INDUS. REL. 651 (2006), available at http://www.americanrightsatwork.org/dmdocuments/OtherResources/JohnLogan12_2006UnionAvoidance.pdf.

⁵⁷ Logan, *supra* note 55, at 207

⁵⁸ *Id.* at 203.

⁵⁹ *Id.*

⁶⁰ For example, Craig Becker, SEIU Associate General Counsel and Obama nominee to the NLRB has written along these lines in *Democracy in the Workplace: Union Representation Elections and Federal Labor Law*, 77 MINN. L.REV. 495, 585-87 (1993).

⁶¹ For example, the AFL-CIO’s International Union Department included repeal of section 8(c) of the NLRA in its recommendations to the Commission on the Future of Worker-Management Relations. See *IUD Sets Bold Agenda for Workplace Rights: Economic Empowerment and ‘Democracy on the Job’*, at 2 (1994), available at http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1412&context=key_workplace. Section 8(c) states, “The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this subchapter, if such expression contains no threat of reprisal or force or promise of benefit.” National Labor Relations Act § 8(c), 29 USC § 158(c).

typical union campaign presents a myriad of situations and questions that must be understood and answered by all levels of the worksite's supervisory team if they are to have a fighting chance of avoiding unfair labor practices such as: May I ask my employee if he is being bothered by pro-union co-workers? May I offer my employee a pro-company t-shirt, or must I merely make it available in a break area? May I attend the off-site union meeting, since many of the employees in my group are requesting that I join them? May I discuss the fate of a unionized plant down the street that has suffered from low productivity and frequent layoffs? Must I allow an employee to wear a union button, even though the company has a uniform policy?

Expecting a front-line supervisor who will be communicating with employees on a daily basis to have even a passing familiarity with the fine points of labor law is patently unreasonable. Yet this same individual, in his or her role as an agent of the company, will be legally held to a detailed standard of conduct, particularly during the "critical period" leading to a union-representation election. Consistent advice from a professional advisor is the only way to close the gap and keep the campaign clean from a legal perspective. In the absence of such guidance, the typical supervisor will either unwittingly commit unfair labor practices or, understanding that a vague set of legal consequences applies to his or her actions, will be understandably paralyzed with fear and simply avoid communication with employees. Conversely, union organizers are trained in spotting, or even provoking, behavior and comments that can lead to the filing of an unfair labor practice complaint and tying up more employer resources.

Unions will often fuel this fear by distributing literature during a campaign featuring a long list of "illegal" statements and encouraging employees to make a record of their supervisors' statements. The union goal is obviously to remove the company voice and make the campaign a one-sided debate. However, this de facto gagging of a company's representatives is not required by the law. Rather, provided a person avoids certain pitfalls, the right to free speech is guaranteed by section 8(c) of the NLRA.⁶² Without professional help, however, the average person will not be able to avoid the legal pitfalls and freely communicate with employees.

Unions Are Adept At Presenting Their View

Despite what advocates for the Employee Free Choice Act (EFCA) would have the public believe, the battle for employees' hearts and minds during a union organizing drive is not typically waged by a union David and a management Goliath. To the contrary, unions have taken significant steps in recent decades to ensure that the pro-union voices in an organizing campaign are savvy, well-trained and numerous.

In 1989, the AFL-CIO created an Organizing Institute to promote and foster union organizing.⁶³ Each of the over fifty member unions in the Federation may utilize the Institute to train their members to become organizers. The Institute offers a variety of

⁶² See *supra* note 61.

⁶³ AFL-CIO, Organizing Institute: Campaign Specific Training, <http://www.aflcio.org/aboutus/oi/indspecific.cfm>.

training programs, including industry-specific training, each designed to ensure that graduates are skilled in the art of organizing. During the basic three-day organizing course, participants learn one-on-one communication skills,⁶⁴ as well as campaign and strategic-planning skills. The course involves not only lectures but interactive role play that teaches the would-be organizer how to get his or her foot in the door with an undecided employee—literally in the case of high-pressure visits to employees’ homes. Trainees who successfully complete the program are recommended by the Institute to be hired by local and national unions.⁶⁵

Individual unions have also poured additional funds and effort into hiring and training new organizers. Many of the largest unions have led the way. The SEIU places its “Organizers in Training” in an education program that can last up to twelve months.⁶⁶ At the International Brotherhood of Teamsters Special Convention in 2002, delegates approved a plan to increase member dues to provide additional organizing funds.⁶⁷ Since that time, the organizing fund has grown to over \$13 million, with much of it going to training new organizers.⁶⁸ Perhaps most notably, in the 1970’s the United Auto Workers (UAW) opened the Walter and May Reuther Family Education Center adjacent to the union’s golf course in Black Lake, Michigan.⁶⁹ This facility sleeps 400 people and has been used to train and educate thousands of UAW members in a single year.⁷⁰ To this day, the Reuther Family Education Center continues its key role in the development of skilled UAW organizers.⁷¹ As part of a new training initiative recently announced and sponsored by the UAW’s National Organizing Department, UAW organizer trainees will receive “intense” training, both at the Reuther Center as well as “nitty gritty in the trenches” of a real campaign.⁷² The UAW web site provides a window to the comprehensive nature of the training program:

[The training] begins with nuts-and-bolts training in each participant’s respective UAW region. They learn everything from forming an organizing committee to all stages of conducting a campaign, along with what to expect when they talk to other workers and information about anti-union tactics.⁷³

Finally, unions themselves rely on consultants, creating a double standard that says consultants are evil when used by employers, but necessary and acceptable if used

⁶⁴ AFL-CIO, FAQs About the Organizing Institute, <http://www.aflcio.org/aboutus/oi/faqs.cfm>.

⁶⁵ *Id.*

⁶⁶ SEIU, Organizer in Training, <http://www.seiu.org/2009/02/organizer-in-training-1.php>.

⁶⁷ Barry Eidlin, *Teamsters Approve 25% Dues Hike*, LABOR NOTES, <http://labornotes.org/node/1182>.

⁶⁸ Laureen Lazarovici, *Teamsters Shift into Organizing Overdrive*, AMERCIA@WORK, April 2004, http://www.aflcio.org/aboutus/thisistheafclio/publications/magazine/0404_teamsters.cfm.

⁶⁹ See <http://www.blacklakegolf.com/family-education-center-24/>.

⁷⁰ Tim Higgins, *UAW Resort Losing Millions; Union Funds Black Lake Golf Course*, DETROIT FREE PRESS, Sept. 7, 2008, at 1.

⁷¹ Sandra Davis, *UAW Institutes New Training Program – Hearing from mistreated workers inspires organizers*, UAW SOLIDARITY March/April 2009, available at <http://www.uaw.org/solidarity/09/0409/uf03.php>.

⁷² *Id.*

⁷³ *Id.*

by unions. Take for example, conflicts between rival unions. For example, as described by a union video posted by UNITE HERE⁷⁴:

Andy Stern's become a pro at hostile takeovers of other unions, so how does he do it? First, spend lots of money on consultants, like the Prewitt Organizing Fund or like Steve Rosenthal, a good friend of Andy Stern's who is paid about \$240 an hour to come up with ways to interfere in other unions business. ... Next, send out confusing mailers that claim to be official union news. Make outrageous suggestions like "If you like President Obama, sign up now to switch to a different union."⁷⁵

The Claim of Unrealized Demand

One of the most common refrains repeated throughout the pro-"reform" studies is that an overwhelming number of American workers would join a union today, if not for significant employer coercion and intimidation and a desperately flawed NLRB election process that combine to preclude employees from exercising their rights and desire to join a labor union.⁷⁶ This theory rests on two premises. First, it assumes that a substantial percentage of nonunion workers would prefer to be represented by a union. Second, it assumes that union density should necessarily be higher to reflect this unrealized demand. As explained below, both of these premises are flawed.

The first fundamental premise is an alleged unrealized demand for unionization. According to the Bureau of Labor Statistics, in 2008 the union density in the private sector was 7.6 percent.⁷⁷ Advocates of reform, however, argue that significantly more nonunion workers would prefer to be represented by a union. As support for this premise, pro-"reform" advocates most frequently cite to polling data from Peter D. Hart and Associates. For example, this data is central to the 2005 AFL-CIO Issue Brief *The Silent War: The Assault on Workers' Freedom to Choose a Union and Bargain Collectively in the United States*.⁷⁸ As characterized by the AFL-CIO, the Hart polling found that "53 percent of nonunion workers—in other words, 57 million workers—want a union in their workplace."⁷⁹

However, Peter D. Hart and Associates are hardly the only pollsters examining employee attitudes toward organized labor. When examining polling results conducted

⁷⁴ Union of Needletrades, Industrial and Textile Employees (UNITE) and Hotel Employees and Restaurant Employees Union (HERE).

⁷⁵ Available at <http://www.wrongwayseiu.org/video/video.php?id=2>. For an interesting description of alleged SEIU raids on other unions, including descriptions about the union's use of consultants see Growing Pains: SEIU Campaigns Against Other Unions, available at http://www.wrongwayseiu.org/files/Growing_Pains.pdf.

⁷⁶ See, e.g., Mehta and Theodore *supra* note 37.

⁷⁷ *Union Members in 2008*, Bureau of Labor Statistics, U.S. Department of Labor (Jan. 28, 2009), available at <http://www.bls.gov/news.release/pdf/union2.pdf>.

⁷⁸ *The Silent War*, *supra* note 5.

⁷⁹ *Id.* at 14 (citing Peter D. Hart Research Associates, Study No. 7518, AFL-CIO Union Message Survey, Feb. 2005 (unpublished)).

by organizations without such close ties to organized labor, it is clear that Hart's results are outliers. According to a September 2006 random nationwide survey conducted by Zogby International,⁸⁰ when non-union members were asked to decide if they would vote for a union if an election were held at their workplace tomorrow, 40 percent stated they would definitely vote against a union and 18 percent would probably vote against a union.⁸¹ Only 13 percent would definitely vote for a union and only 22 percent would probably vote for a union.⁸² That is, 58 percent of respondents expressed some level of opposition to having a union in their workplace, while only 35 percent indicated some level of support for a union.

A July 2005 Zogby poll reached similar findings.⁸³ In that poll, 38 percent stated they would definitely vote against a union if an election were held at their workplace tomorrow and 18 percent would probably vote against a union, while only 16 percent of workers surveyed would definitely join a union, and only 19 percent would probably join a union—a clear majority of 56 percent opposed to having a union against only 35 percent wanting one.⁸⁴

A March 2009 Rasmussen poll found that only nine percent of non-union workers would like to join a union and that 81 percent would not.⁸⁵ Finally, on the opposite end of the spectrum from the Hart poll is a 2009 poll conducted by the Opinion Research Corporation for the Center for Union Facts, which revealed that 82 percent of surveyed employees, who were not in a union and did not have an immediate family member in a union, would not want their own job unionized.⁸⁶

These independent polling numbers are consistent with polling data regarding worker job satisfaction. Karlyn Bowman, a senior fellow at the American Enterprise Institute, annually compiles a comprehensive report on workers' attitudes towards their employers, which tracks polling data from multiple sources.⁸⁷ Five separate polls (Gallup 2008, National Opinion Research Center (NORC) 2006, CBS/NYT 2005, Harris 2002,

⁸⁰ *Employees' Perceptions of Labor Unions*, Zogby International (Sept. 2006), available at http://www.psr.org/info/Nationwide_Attitudes_Toward_Unions_2006.pdf.

⁸¹ *Id.* at 9.

⁸² *Id.*

⁸³ *The Attitudes and Opinions of Unionized and Non-Unionized Workers Employed in Various Sectors of the Economy Toward Organized Labor*, Zogby International (Aug. 2005), available at http://www.psr.org/info/Nationwide_Attitudes_Toward_Unions_2005.pdf.

⁸⁴ *Id.* at 6.

⁸⁵ *Just 9% of Non-Union Workers Want to Join Union*, Rasmussen Reports (March 16, 2009), available at http://www.rasmussenreports.com/public_content/business/jobs_employment/march_2009/just_9_of_no_n_union_workers_want_to_join_union.

⁸⁶ *Americans Overwhelmingly Reject Unionization*, Opinion Research Corporation (Feb. 4, 2009), available at <http://server1.laborpains.org/wp-content/uploads/2009/02/pensionunionfactspolltopline.pdf>.

⁸⁷ Karlyn Bowman, *The State of the American Worker* at 3, American Enterprise Institute (2008), available at http://www.aei.org/docLib/200408301_work14886.pdf. See also, U.S. Chamber of Commerce White Paper *The Truth about American Workers: They are Satisfied, Respected, and Benefiting from Productivity Gains* (2008), available at http://www.uschamber.com/assets/labor/unionrhetoric_workers.pdf (discussing Bowman's findings).

and Center for Survey Research 2001) all revealed overall job satisfaction numbers ranging from 87 percent to 90 percent.⁸⁸

In addition to the polls being remarkably consistent in their job satisfaction findings, the polls have reached consistent findings over time. For instance, the Gallup poll first began its poll in 1989 and, at that time, found a job satisfaction number of 89 percent.⁸⁹ The NORC poll began in 1972 and found a job satisfaction number of 86 percent.⁹⁰

A 2008 Gallup Poll also found high satisfaction rates among workers as to specific key aspects of their jobs—relations with co-workers (96 percent), amount of required work (87 percent), flexibility of hours (87 percent), boss or immediate supervisor (79 percent), amount of vacation time (78 percent), money earned (73 percent), on-the-job stress (69 percent), chances of promotion (68 percent).⁹¹

In addition to selectively relying on polls that fit their needs, union advocates frequently draw unwarranted inferences from these polls regarding what the union–density rate should be. A 2007 paper produced by union-affiliated, ARW stated:

opinion polls have consistently shown that roughly one-third of non-union workers wish they had a union in their workplace. If creating a union simply followed the will of workers, an additional 40 million Americans would have union representation.⁹²

Of course, even assuming these numbers are accurate, the flaw in their conclusion—that if one-third of non-union workers wish to join a union, this should equate to an increase of the union-density rate equal to one-third of the workforce—is obvious; it ignores the fact that under the NLRA, a majority of workers must vote in favor of unionization for a bargaining unit to be certified. Therefore, if only one in three workers across the U.S. wish to join a union, the proposed bargaining unit would have to be comprised of a disproportionate number of pro-union workers for the union to be certified. Further, not all of the non-unionized workers who may wish to join a union would be able to do so, because the majority of the workers at their workplace may not share their desire. Accordingly, the fact that only 7.6 percent of the American workforce is currently unionized is appropriate and consistent with other polling data that shows a strong majority of workers are not supportive of having a union.

Conclusion

Congress is at the cross roads of perhaps the most significant labor law reform since the 1930s. Given the magnitude of this issue, it is imperative that the debate be

⁸⁸ Bowman, *supra* note 87, at 3-5.

⁸⁹ *Id.* at 3.

⁹⁰ *Id.* at 5.

⁹¹ *Id.*; see also Lydia Saad, *U.S. Workers' Job Satisfaction is Relatively High*, The Gallup Poll (2008).

⁹² Lafer, *supra* note 54, at 39

driven by facts and sound reasoning, not self-serving research intended to support a pre-ordained result. The pro-union literature discussed herein is based on flawed methodologies, overt biases, and selective use of data. The body of work is utterly lacking in analytical and academic integrity. That unsound approach will not lead to sound policy, nor will it serve the public interest and such pieces of “research” should be dismissed.

DELTA EXHIBIT

J

NMB CASES ALLEGING CARRIER INTERFERENCE

1999-2003

Total NMB Elections¹:	206²
Cases Raising Allegations of Carrier Interference:	20³
NMB Decisions Sustaining Allegations of Carrier Interference:	10³

¹ Run off elections and elections with special ballots not included.

² See Exhibit F.

³ Data enclosed on following pages.

NMB CASES ALLEGING CARRIER INTERFERENCE**1999-2003****1. 2003: 2 cases involving allegations of carrier interference; 1 case finding interference.**

America West Airlines, Inc., 30 NMB 310 (2003) – no carrier interference found.

Pinnacle Airlines Corp., 30 NMB 186 (2003); *affirmed*, 30 NMB 254 (2003) – carrier interference found.

2. 2002: 2 cases involving allegations of carrier interference; no cases finding interference.

Delta Air Lines, Inc., 30 NMB 102 (2002) – no carrier interference found.

Metro-North Commuter Railroad, 29 NMB 458 (2002) – no carrier interference found.

3. 2001: 4 cases involving allegations of carrier interference, 3 cases finding interference.

Mercy Air Serv., Inc., 29 NMB 55 (2001) – carrier interference found.

Northern Air Cargo, Inc., 29 NMB 1 (2001) – carrier interference found.

Express Airlines I, Inc., 28 NMB 431 (2001) – no carrier interference found.

Aeromexico, 28 NMB 309 (2001), mot. for reconsideration denied, 28 NMB 399 (2001) – carrier interference found.

4. 2000: 8 cases involving allegations of carrier interference, 4 cases finding interference.

American Trans Air, Inc., 28 NMB 163 (2000), mot. for reconsideration denied, 28 NMB 260 (2001) – carrier interference found.

Mesaba Aviation, Inc., 27 NMB 533 (2000) – no carrier interference found.

Delta Air Lines, Inc., 27 NMB 484 (2000) – carrier interference found.

Continental Airlines, Inc./Continental Express, Inc., 27 NMB 463 (2000) – carrier interference found.

United Airlines, Inc., 27 NMB 417 (2000) – no carrier interference found.

Air Logistics, LLC, 27 NMB 385 (2000) – no carrier interference found.

Era Aviation, 27 NMB 321 (2000) – carrier interference found.

United Airlines, Inc., 27 NMB 221 (2000) – no carrier interference found.

5. 1999: 4 cases involving allegations of carrier interference, 2 cases finding interference.

LSG Lufthansa Serv., Inc., 27 NMB 18 (1999) – carrier interference found.

American Airlines, Inc., 26 NMB 412 (1999), *mot. for reconsideration denied*, 27 NMB 120 (1999) – no carrier interference found.

Mesa Airlines, Inc., 26 NMB 373 (1999) – carrier interference found.

Northwest Airlines, Inc., 26 NMB 269 (1999) – no carrier interference found.