

UNITED STATES OF AMERICA
BEFORE THE NATIONAL MEDIATION BOARD
WASHINGTON, D.C.

In the Matter of Notice of Proposed Rulemaking)	
)	
Amending Board Rules)	Docket No:
29 C.F.R. § 1202 and 1206)	No. C-6964
)	

**DECLARATION OF STEFAN P. SUTICH IN SUPPORT OF THE
INTERNATIONAL BROTHERHOOD OF TEAMSTERS' COMMENT**

I, Stefan P. Sutich, hereby declare and state:

1. I am currently employed as the General Counsel of the National Federation of Federal Employees. From May 30, 2006 until November 20, 2009 I held the position of Associate Attorney with the law firm of Baptiste & Wilder P.C.

2. On or about November 9, 2009 I began collecting data of the types and outcomes of elections held by the National Mediation Board from NMB fiscal years 1934-1954 and from NMB fiscal years 1989-2009. The purpose of the exercise was to test whether the types and outcomes of elections had changed in any material way from the time the Board adopted its current ballot rule by comparing data derived from the 1934-1954 period with that reported for the most recent twenty-year period. I also collected data regarding elections utilizing *Laker* and *Key* ballots.

3. The data for the last twenty fiscal years were all published and accessible from the National Mediation Board's website and published volumes. I assembled data in an excel spreadsheet for every election held from fiscal years 1989-2009 showing the 1) fiscal year of the election; 2) the assigned R number; 3) the Carrier involved in the election; 4) total eligible voters; 5) the number of unions or individual representatives listed on the ballot; 6) and the number of votes for representation. From that data, I was able to derive participation rates and

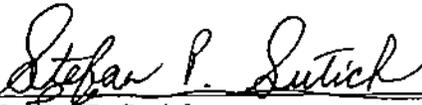
whether a representative was certified or whether a dismissal was issued. Whether a certification or dismissal was issued was also collected from the published decisions as well. I included data regarding elections that involved a *Laker* or *Key* ballot in a separate spreadsheet.

4. Data for NMB fiscal years 1934 – 1954 are less accessible because the NMB did not publish all election results. However, at my request, the National Mediation Board made available for public inspection volumes containing results for elections from that year. The volumes contain materials pertaining to each assigned R-case number in consecutive order.

5. Because of time constraints, I collected two different sets of data within the 1934-1954 time range. I collected data for elections, if held, for R-cases 1-200 which generally occurred within NMB fiscal years 1934 and 1935. I also collected data for elections, if held, for R-1900 through R-3000, which generally occurred during fiscal years 1947 through 1955. The data I collected included 1) the applicable R number; 2) the number of unions or individuals listed on the ballot; and 3) whether a certification or dismissal was granted. The NMB often held elections for each craft or class involved in a representation dispute on a particular property under one assigned R-case number.

I have read this Declaration consisting of five (5) paragraphs and I declare pursuant to 28 U.S.C. § 1746, under penalty of perjury, that it is true and correct to the best of my knowledge, information and belief.

Executed this 30th day of December, 2009 in Washington, D.C.


Stefan P. Sutich