



IAM Union District 142

9633 S 48th St, Ste 100

Phoenix, Arizona 85044

816-982-6480

iamdl142@iamdl142.org

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NATIONAL MEDIATION BOARD ARTICLE 19 MERGER PROCEDURES OVERVIEW

Dear Sisters and Brothers:

With the representation vote for mechanic and related employees at Hawaiian Airlines and Alaska Airlines approaching, we know that many members have questions about the process and timeline, from the announcement of the merger to the actual vote.

All procedures related to union representation following a merger are governed by the National Mediation Board (NMB) in Washington, DC. The NMB has the sole authority to resolve representation disputes arising from a merger involving carriers covered by the Railway Labor Act (RLA). The sequence of events leading to a representation vote is cited as follows:

- 1) One or both of the carriers involved in the merger notifies the NMB of a merger.
 - a. A merger is defined as a consolidation, purchase, lease, operating contract, acquisition of control, or similar transaction of two or more business entities.
 - b. The carrier(s) must also notify the Surface Transportation Board (STB) or the Department of Transportation (DOT).
- 2) Determination of a Single Transportation System.
 - a. Any organization or individual may file an application, supported by evidence of representation or a showing of interest, seeking an NMB determination that a single transportation system exists.
 - b. After an application is filed, the NMB conducts an investigation to determine whether a single transportation system exists. Indications that a single transportation system exists may include:
 - i. Published combined schedules or combined routes
 - ii. Standardized uniforms
 - iii. Common marketing, markings, or insignia
 - iv. Integrated operations such as scheduling or dispatching
 - v. Centralized labor and personnel operations
 - vi. Combined or common management, corporate officers, and the board of directors
 - vii. Common or overlapping ownership
- 3) If the NMB determines that a single transportation system exists, the investigation will proceed to address the representation of the proper craft or class.

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- a. All applicants must submit evidence of representation or showing of interest from at least fifty (50) percent of the employees in the craft or class.
 - b. Evidence of representation or showing of interest from incumbent organizations or individuals on the affected carrier(s) includes, but is not limited to, a seniority list, dues check-off list, a current collective bargaining agreement, certification, or other indications of current representation.
 - c. If the organization(s) or individual(s) filing the application does not represent any of the employees covered by the application, showing of interest must be proved by valid authorization cards.
 - d. If not already filed with the initial application, an incumbent(s), intervenor(s), and applicant(s) have thirty (30) calendar days from the date of the NMB's single transportation system determination to submit evidence of a showing of interest or to supplement the showing of interest on the single transportation system (applications that do not meet the showing of interest requirements will be dismissed).
 - e. Existing certifications remain in effect until the NMB issues a new certification or dismissal.
- 4) Before a representation vote can occur, eligibility must be established.
- a. The carrier must provide one (1) copy of a system-wide alphabetized list of potential eligible voters to the NMB investigator and each participant's representative.
 - b. The list of potential eligible voters must include all individuals in the craft(s) or class(es) with an employee-employer relationship as of the cut-off date (the last day of the latest payroll period ending before the day the NMB received the application). The list must identify each employee's full name, job title, and duty station or location.
 - c. The carrier must also provide the NMB with one (1) hard copy of legible, alphabetized signature samples for each employee on the list. Examples of acceptable signature samples include tax-withholding forms, insurance forms, and employment applications.
- 5) Once the NMB determines that a dispute exists in the subject craft(s) or class(es), a written authorization to proceed, including the manner of resolving the dispute, will be issued to the carrier and organizations.
- a. Once the NMB investigator has investigated and/or settled any challenges or objections, including determination of craft and class, the representation election can be scheduled.
- 6) The representation election may be accomplished using a telephone call-in, an internet election (via website), or mail-in voting.
- a. Voters will have the opportunity to vote for representation by an organization or individual, or for "no representative."
 - b. If an organization or individual receives the majority of votes cast, it will be certified as the representative. If the majority of votes cast are for "no representative," no representative will be certified. In the event of a tie vote between representation and no representation, no representation will be certified.
 - c. The NMB will generally issue the certification or dismissal the next business day following the count.

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The importance of the upcoming representation vote cannot be overemphasized. This vote will determine the union that represents all mechanic and related crafts and classes at Hawaiian Airlines and Alaska Airlines. It is crucial that each person affected by this vote does their due diligence and decides which union is best equipped to represent them to the fullest now and in the foreseeable future. **Be especially discerning about the sources of information you use to make your decision. Rumors, hearsay, gossip, and unofficial social media pages or unauthorized websites will do more harm than good. Turn to your official channels for information and updates, especially the District 142 website: www.atd142.org/**

If you have any questions or concerns about the process outlined in this document, please reach out to your Shop Stewards or General Chairs.

Sincerely and fraternally,

John M. Coveny, Jr.
President/Directing General Chair

JMC/td

cc: R. Johnsen, General Vice-President, Air Transport Territory
E. Fraser, Chief of Staff, Air Transport Territory
T. Regan, Airline Coordinator, Air Transport Territory
J. Carlson, Air Transport Coordinator
D. 142 Executive Board

Works cited:

(n.d.). NATIONAL MEDIATION BOARD REPRESENTATION MANUAL. National Mediation Board.



https://nmb.gov/NMB_Application/wp-content/uploads/2022/01/Rep-Manual-2022-1.pdf

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