



NATIONAL MEDIATION BOARD

WASHINGTON, DC 20572

(202) 692-5000

34 NMB No. 13
January 29, 2007

TO: All Carriers and Labor Organizations
FROM: Mary L. Johnson, General Counsel *maj*
RE: Introduction of Internet Voting/Mock Election

Effective October 1, 2007, the National Mediation Board (Board) will primarily conduct representation elections using both Telephone Electronic Voting (TEV) and Internet Voting. The TEV and Internet Voting systems are linked and administered by the same vendor who has been providing our TEV election services since September 30, 2002. *Telephone Electronic Voting*, 29 NMB 482 (2002). Internet Voting is being implemented after months of research and testing, and is both secure and encrypted. The Board believes that offering Internet voting in addition to phone voting will further its mission and enhance the Board's ability to conduct representation elections fairly and effectively.

An eligible voter has the option of voting through either the phone or the Internet with their randomly assigned Voter Identification Number (VIN) and Personal Identification Number (PIN). As the phone and Internet systems are linked, voters are prevented from voting more than once, regardless of with which medium they choose to vote.

In an effort to provide an opportunity to test our new Internet Voting capabilities, a **mock election** has been created for all participants receiving this Notice. The mock election will begin **January 29, 2007**, and consist of a six week voting period with a tally on **March 12, 2007**. Each Carrier or Organizational representative is assigned an individual VIN and PIN for use in the mock election. The attached Notice and

Instructions provide the VIN and PIN, as well as step-by-step directions for voting.

Attached are your: Notice of Telephone and Internet Voting Instructions; Telephone and Internet Voting Instructions; and a draft revised Section 13 of the Board's Representation Manual, *Telephone and Internet Elections*, for your review.

The Board will accept any comments regarding Internet voting during a 90-day period commencing **February 1, 2007** and ending **May 1, 2007**. Please email any comments to the Office of Legal Affairs at legal@nmb.gov. Further information on the security and integrity of telephone and Internet voting can be found at <http://www.ballotpoint.com/security.htm>.

-Attachments-

13.0 TELEPHONE AND INTERNET ELECTIONS

13.1 The Notice of Election

The NMB will provide copies of the Notice of Telephone and Internet Voting Instructions (Notice) to the participants at least five (5) calendar days before the Telephone and Internet Voting Instructions (Instructions) are mailed to the eligible voters. The Carrier must post the Notice on Carrier bulletin boards and at all locations where other notices to employees usually are posted. At least one Notice per station must be posted.

13.2 Telephone and Internet Voting

13.201 Telephone and Internet Voting Instructions

The Instructions consist of the Telephone and Internet Voting Instructions, a Voter Identification Number (VIN), and a Personal Identification Number (PIN).

It is NMB practice to list the incumbent, the applicant and then the intervenor in descending order on the Instructions. If there is no incumbent and more than one applicant, the Investigator will determine the placement of the names.

The Investigator will establish a time period for voting. The number of eligible voters, the number of stations involved, and the geographical distribution of the voters will be considered when determining the appropriate voting period. Participants may request additional time for the voting period. This request must be filed in writing with the Investigator prior to the establishment of the voting period. The request must include a detailed explanation of the circumstances requiring an extended voting period. In no event will the Instructions be mailed less than 21 days before the tally. Only NMB agents administer Instructions, VINs, and PINs.

13.202 Voter Identification Numbers

Each voter will be assigned a VIN to be used in conjunction with the voter's PIN. The VIN is a randomly generated six digit confidential number known only to the voter and NMB agents.

13.203 Personal Identification Numbers

Each voter will also be assigned a PIN. The PIN is a randomly generated four digit confidential number known only to the voter and NMB agents.

13.204 Voting with the PIN and VIN

To vote, the voter can either call a toll-free telephone number or access a designated website as explained in the Instructions. Voters can only vote once with their assigned VINS and PINS through either the telephone or the Internet. As the systems are linked, voters are prevented from voting more than once.

Telephone Voting. The voter follows the voice prompts. When the voter's identity is confirmed, the voter will be prompted with voting instructions for the election. The TEV voice prompt will list the incumbent, the applicant and the intervenor. If there is no incumbent and more than one applicant, the Investigator will determine the placement of the names on the voice prompt.

Internet Voting. After accessing the website, the voter enters their assigned VIN and PIN. When the voter's identity is confirmed, a ballot screen will appear for the election in which they are eligible to vote. The incumbent, applicant, and intervenor will be listed in descending order. If there is no incumbent and more than one applicant, the Investigator will determine the placement of the names on the ballot screen.

The PIN and VIN ensure the confidentiality and the integrity of the election by eliminating unauthorized votes.

13.205 Challenged Individuals

Individuals whose eligibility or ineligibility has been challenged, and no final decision has been made, will be sent Instructions, a VIN and PIN. Their votes, if cast, will be considered challenged votes. Prior to the tally, the eligibility determinations will be made by the NMB election officials and appropriate adjustments to the List of Eligible Voters will be made.

13.206 Requests for Duplicate Telephone and Internet Voting Instructions

Voters may request duplicate Instructions, including a VIN and a PIN, by contacting the NMB in writing. The request must be signed by the voter requesting the Instructions and mailed in an individual envelope; group requests are not accepted. Requests by telephone, facsimile or electronic mail are not accepted. Requests received less than five (5) days before the tally will not be honored. Requests dated or received prior to the mailing of the Instructions will not be honored.

The name of any employee requesting duplicate Instructions will be confidential. The employee will be mailed duplicate Instructions, including a VIN and a PIN, and the Official Eligibility List will be marked to reflect that duplicate Instructions were mailed.

13.207 Undeliverable Telephone and Internet Voting Instructions

Instructions returned to the NMB for incorrect addresses or any other reason, will be checked for accuracy. If a “corrected” address is obtained at least five (5) calendar days prior to the tally, the Instructions will be mailed to the corrected address. Otherwise, the Instructions are undeliverable.

13.208 TTY Communications System Users -- for Telephone Voting

Voters may use the NMB’s TTY communications system for Telephone Voting as explained in the Instructions. When the voter uses the TTY communications system, the voter must identify himself or herself with the correct PIN and VIN. NMB election officials shall assist the voter as necessary.

13.209 Adjustments to the Official Eligibility List

The Investigator will verify the number of eligible voters prior to the tally by making the following adjustments:

- (1) clearing all challenges;
- (2) removing names for those individuals whose Instructions were undeliverable; and

- (3) adjusting for changes in employee status.

13.3 The Tally of Votes

13.301 Location and Time of the Tally of Votes

The voting will close at 2 p.m., Eastern time, unless the Investigator establishes an alternate time. The tally of votes will occur at the NMB's Office, in Washington, DC.

13.302 Request to Postpone the Tally

Absent extraordinary circumstances, requests to postpone the tally must be in writing and received no later than two (2) business days before the scheduled count, directed to the General Counsel, and must be supported by substantive evidence. The Board will consider granting such requests only in extraordinary circumstances. Unless the Investigator is officially advised by the Board to defer or cancel the tally, the Investigator shall tally the votes and overrule requests of participants either to defer or to cancel the tally, even when the applicant desires to withdraw the application.

13.303 Admission and Control of the Tally of Votes

The NMB may allow a reasonable number of representatives from the Organization(s) and the Carrier to observe the tally.

The Investigator will ensure that the observers do not interfere with the tally. Any material or information which might disclose whether particular employees cast votes or refrained from voting must be secured. Some examples of such materials would include marked eligibility lists, requests for duplicate Instructions, and voting records reflecting dates, times, and phone numbers.

13.304 Vote Determinations

13.304-1 Valid Votes

Where the voter's intent to vote for representation is clear, the vote is valid and will be counted. Valid votes include "write-in" votes which clearly indicate the voter's desire for representation. Where a voter has successfully followed the TEV Instructions for a

write-in vote, but has only recorded silence, the silent “write-in” vote will be counted as a valid vote for representation. Similarly with Internet voting, where a voter has selected to submit a write-in vote but has not entered any text and confirms this selection, that blank “write-in” vote will be counted as a valid vote for representation.

13.304-2

Void Votes

The following votes are void and will not be counted:

- (1) votes cast for a carrier or carrier official;
- (2) votes where the voter’s intent is unclear;
- (3) votes indicating no desire for representation, such as “write-ins” indicating “No” or “No Union,” and;
- (4) votes where the voter has “written in” “self,” “self representation” or the equivalent.

13.305

Authority to Tally the Votes

Unless the Investigator is officially advised by the Board to defer or cancel the tally, the Investigator shall tally the votes and overrule requests of participants either to defer or to cancel the tally, even where the applicant desires to withdraw the application.

13.306

Tally of Votes

Following any adjustments to the list of eligible voters, the NMB agents will enter the website, tally the votes, print the tally and provide copies to the Organization(s) and the Carrier.



NOTICE OF TELEPHONE AND INTERNET VOTING INSTRUCTIONS

UNITED STATES OF AMERICA
NATIONAL MEDIATION BOARD
NMB Case No. R-2222

An election is being conducted under the Railway Labor Act (RLA) for the craft or class of **Pilots**, employees of **MicroAir**. Sought to be represented by the **MicroAir Pilots Association**, and presently **UNREPRESENTED**.

No employee is required to vote. If less than a majority of employees cast valid votes, no representative will be certified. Should a majority vote to be represented, the representative that receives a majority of the votes cast will be the representative. Under the RLA, a majority of the craft or class of employees has the right to determine their representative. The RLA also states that elections shall be free from interference, influence, or coercion. It is unlawful for a carrier to interfere with the organization of its employees. Alleged violations may be reported in writing to the NATIONAL MEDIATION BOARD (NMB), Office of Legal Affairs, 1301 K Street, NW, Suite 250 East, Washington, DC 20005.

NOTICE TO ALL EMPLOYEES IN THE CRAFT OR CLASS

On **January 29, 2007**, the NMB will mail you Telephone and Internet Voting Instructions and a Voter Identification Number (VIN) and Personal Identification Number (PIN). **Federal law prohibits knowingly and willfully making materially false, fictitious, or fraudulent statements or representations in any matter within the jurisdiction of the United States Government.** 18 U.S.C. § 1001. **This includes use of another voter's identification numbers. Your VIN and PIN are confidential numbers, known only to you and the NMB. To maintain the confidentiality and integrity of the voting process, do not share your VIN or PIN with anyone.** If you do not receive your VIN/PIN by **February 3, 2007**, you may contact the NMB to request a duplicate VIN/PIN. Your request must be in writing and signed by you. The request must be in an individual envelope. No group requests are accepted. Requests by telephone or facsimile are not accepted. Mail the request to: NMB, Office of Legal Affairs, 1301 K Street, NW, Suite 250 East, Washington, DC 20005. **No requests will be accepted after March 7, 2007.** An example of the Telephone and Internet Voting Instructions is below:

TELEPHONE & INTERNET VOTING INSTRUCTIONS

Using your confidential VIN and PIN,
you may vote using either the telephone or the Internet.

TELEPHONE

1. Call (toll-free) **1-866-972-8040**. Text Telephone users (TTY) call **1-866-756-2829**.
2. Enter your confidential **VIN** and **PIN** when prompted to do so. Follow the instructions carefully!
3. Follow the prompts to cast your vote for the **MicroAir Pilots Association** or **Any Other Organization or Individual**.
4. You have successfully voted when you hear: "**Your vote has been recorded.**"

INTERNET

1. Go to: <https://www.BallotPoint.com/NMBMOCK/>; or to the NMB's website at <http://www.nmb.gov/representation/rmenu.html>, and click on "**Mock Internet Election: MicroAir (R-2222)**."
2. Enter your confidential **VIN** and **PIN**, and then click: "**Login.**"
3. A ballot for the election in which you are eligible to vote will appear on the screen.
4. Mark your selection for representation by clicking on the checkbox adjacent to your selection; when complete, click: "**Cast Vote.**"
5. A "**Vote Selection Confirmation**" screen will appear which will indicate your selection for representation. To change your vote, click: "**Change Selection.**" To confirm your vote, click: "**OK.**"
6. You have successfully voted when you see the message: "**Your Vote was successfully registered.**"

Your vote must be cast by 2:00 PM ET on March 12, 2007, the day of the tally.

The telephone and Internet voting systems operate 24 hours a day, 7 days a week, starting at 12:01 AM ET, on **January 29, 2007**. Voting ends at 2:00 PM ET, **March 12, 2007**, the day of the tally. **If you experience any problems with the telephone or Internet voting systems, please call the NMB at 1-800-488-0019 ext. 5040 (Monday through Friday, 8:30 a.m. to 5 p.m. ET).**



TELEPHONE AND INTERNET VOTING INSTRUCTIONS

UNITED STATES OF AMERICA
NATIONAL MEDIATION BOARD
NMB Case No. R-2222

<<firstname>> <<lastname>>

VIN (Voter Identification Number): <<VIN>>
PIN (Personal Identification Number): <<PIN>>

Dear <<firstname>> <<lastname>>:

An election is being conducted under the Railway Labor Act (RLA) for the craft or class of **Pilots**, employees of **MicroAir**. Sought to be represented by the **MicroAir Pilots Association**, and presently **UNREPRESENTED**.

No employee is required to vote. If less than a majority of employees cast valid votes, no representative will be certified. Should a majority vote to be represented, the representative that receives a majority of the votes cast will be the representative. Under the RLA, a majority of the craft or class of employees has the right to determine their representative. The RLA also states that elections shall be free from interference, influence, or coercion. It is unlawful for a carrier to interfere with the organization of its employees. Alleged violations may be reported in writing to the NATIONAL MEDIATION BOARD (NMB), Office of Legal Affairs, 1301 K Street, NW, Suite 250 East, Washington, DC 20005.

If you choose to vote, you may do so using either the telephone or the Internet.
Please follow the Instructions on the next page.

Federal law prohibits knowingly and willfully making materially false, fictitious, or fraudulent statements or representations in any matter within the jurisdiction of the United States Government. 18 U.S.C. § 1001. This includes use of another voter's identification numbers. Your VIN and PIN are confidential numbers, known only to you and the NMB. To maintain the confidentiality and integrity of the voting process, do not share your VIN or PIN with anyone.

Polls Open: 12:01 AM ET, on January 29, 2007
Polls Close: 2:00 PM ET, on March 12, 2007

Using your confidential VIN and PIN shown on the front of this letter,
 you may vote using either the telephone or the Internet.

TELEPHONE

1. Call (toll-free) **1-866-972-8040**. Text Telephone users (TTY) call **1-866-756-2829**.
2. Enter your confidential **VIN** and **PIN** when prompted to do so. Follow the instructions carefully!
3. Follow the prompts to cast your vote for the **MicroAir Pilots Association** or **Any Other Organization or Individual**.
4. You have successfully voted when you hear: **"Your vote has been recorded."**

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2. Enter your confidential **VIN** and **PIN** and then click: **"Login."**
3. A ballot for the election in which you are eligible to vote will appear on the screen.
4. Mark your selection for representation by clicking on the checkbox adjacent to your selection; when complete, click: **"Cast Vote."**
5. A **"Vote Selection Confirmation"** screen will appear which will indicate your selection for representation. To change your vote, click: **"Change Selection."** To confirm your vote, click: **"OK."**
6. You have successfully voted when you see the message: **"Your Vote was successfully registered."**

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