



NATIONAL MEDIATION BOARD

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36 NMB No. 39

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Re: NMB Case No. R-7201
Cape Air (Hyannis Air Service, Inc.)

Participants:

This determination addresses the April 13, 2009 letter from the International Brotherhood of Teamsters (IBT or Incumbent) to the National Mediation Board (NMB or Board) requesting that the Board investigate whether the Cape Air Pilots Association (CAPA or Applicant) is an organization fostered,

assisted, and/or dominated by Cape Air (Hyannis Air Service, Inc.) (Carrier). The Incumbent also requests that the Board investigate its allegations that the Carrier is interfering in the on-going election by inducing pilots to join CAPA and to cease membership with the IBT.

On March 2, 2009, CAPA filed an application to represent the Pilots at Cape Air. The Pilots are currently represented by the IBT. *Cape Air (Hyannis Air Serv.)*, 33 NMB 291 (2006). On March 26, 2009, the Board authorized an election in this matter with both CAPA and the IBT on the ballot. On April 3, 2009, the Board scheduled the tally date in this case to take place on May 11, 2009. Ten days later the IBT filed its request that the Board investigate charges of carrier interference and carrier domination. Both CAPA and the Carrier have filed position statements with the Board responding to the IBT's allegations.

It is the Board's long-standing policy, in accordance with Section 2, Ninth,* to resolve representation disputes as expeditiously as possible. See *Continental Airlines Corp.*, 50 B.R. 342, 358 (S.D. Tex. 1985), *aff'd per curiam*, 790 F.2d 35 (5th Cir. 1986) (finding that damage caused by staying an NMB election is often substantially greater than that caused by allowing an election to go forward). Thus, the Board's consistent practice is to proceed with a representation election unless there are extraordinary circumstances or the Board is barred by court order. *Northwest Airlines*, 33 NMB 195, 199 (2006); *Tower Air*, 16 NMB 326, 328 (1989); *Air Florida*, 10 NMB 294, 295 (1983). See, e.g., *Notice to Fleet and Passenger Service Employees of Pinnacle Airlines, Inc.*, 30 NMB 251 (2003) (notifying voters that the Board cancelled the election in progress and ordered a re-run due to the voter confusion caused when a substantial number of incorrect VINs and PINs were sent to eligible voters); see also *Chautauqua Airlines*, 21 NMB 226, 227-28 (1994); *Sapado I*, 19 NMB 279, 282 (1992); *US Air*, 17 NMB 69, 71-72 (1989).

Because the Board does not find extraordinary circumstances that would require Board action at this time, any allegations regarding conduct during the election period will be addressed, if appropriate, after the tally date consistent with the Board's usual practice. The Participants are reminded of the need to maintain laboratory conditions until the Board concludes its investigation.

By direction of the NATIONAL MEDIATION BOARD.



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*45 U.S.C. § 152, Ninth.