



NATIONAL MEDIATION BOARD

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38 NMB No. 12

November 17, 2010

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Re: NMB Case No. R-7256
Delta Air Lines, Inc./IAM

Robert Roach, Jr.
General Vice President
Jay Cronk
Transportation Coordinator
Carla Siegel
Associate General Counsel
International Association of
Machinists & Aerospace
Workers, AFL-CIO
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Participants:

This determination addresses the appeal of Delta Air Lines, Inc. (Delta or Carrier) of the Investigator's ruling on the eligibility of three employees to vote in the representation election among the Fleet Service Employees craft or class. For the reasons set forth below, the Investigator's ruling is upheld.

BACKGROUND

On July 1, 2010, the International Association of Machinists and Aerospace Workers, AFL-CIO (IAM), filed an application with the Board alleging a dispute involving the Fleet Service Employees of Delta and Northwest

Airlines. The National Mediation Board (NMB or Board) issued a decision on August 25, 2010, finding the carriers to be a single system known as Delta for the craft or class of Fleet Service Employees. *Northwest Airlines, Inc./Delta Air Lines, Inc.*, 37 NMB 351 (2010). Shortly after, the Board found a dispute to exist and authorized an election. The tally is scheduled to take place at the Board's offices on November 18, 2010.

The IAM filed challenges and status changes to the List of Potential Eligible Voters (List) on October 7 and 29, 2010, and provided declarations and supporting documents. Delta responded on October 18, 2010, and provided a declaration and excel spreadsheet from Melinda Davison, Delta's General Manager HR, Airport Customer Service Department. The Investigator issued her ruling on November 2, 2010.

On November 5, 2010, Delta appealed the ruling regarding employees on military duty for whom the Carrier had not provided military APO addresses. The IAM did not submit a response.

DISCUSSION

Three employees on military duty were removed from the List as Delta had not provided their military APO addresses. The Investigator ruled that the three employees, Tyler Gustafson, Edward S. Washington, and Jordan J. Bailey, should be removed from the List as the Board did not have the correct addresses to send their Instructions.

Delta argued in its appeal that the three employees should not be removed from the List, as it is still trying to locate APO addresses, and their family members may have forwarded on the Instructions. With respect to Edward S. Washington, Delta argues that since he is currently assigned to a domestic base, "there is an even greater probability he will receive his voting instructions."

The Board's Representation Manual (Manual) Section 9.205 clearly states that employees on leaves of absence, including military leave, are eligible. However, Manual Section 12.1 provides with respect to address labels for voters on the List: "The participants should notify the Investigator, within five (5) calendar days of the authorization [of the election], of any employees on military leave who are serving in foreign countries"

The purpose of this provision is to assure that employees serving at military bases have sufficient time to receive their Instructions. This is why individuals whose Instructions are returned as undeliverable too close to the tally are removed from the List. See Manual Section 13.207.

With respect to Edward S. Washington, his Instructions were returned as undeliverable and the Board requested a better address from Delta on November 5, 2010. No better address has been received as of the date of this determination.

CONCLUSION

The Board upholds the Investigator's ruling that Tyler Gustafson, Edward S. Washington, and Jordan J. Bailey are ineligible to vote in Fleet Service Employees craft or class. The count will take place as scheduled at 2:00 p.m. EST on Thursday, November 18, 2010.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson
General Counsel