



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
REPRESENTATION OF
EMPLOYEES
of
ALLEGIANT AIR, LLC
Flight Dispatchers

42 NMB No. 19
CASE NO. R-7421
DISMISSAL
May 6, 2015

The services of the National Mediation Board (Board) were invoked by Ronald D. Doig on February 26, 2015, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA),¹ as provided by Section 2, Ninth, thereof, personnel described as “Flight Dispatchers,” employees of Allegiant Air, LLC (Carrier).

At the time this application was received, these employees were represented by the International Brotherhood of Teamsters, Airline Division (IBT).

The Board assigned Investigator Andres Yoder to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Flight Dispatchers, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice.

¹ 45 U.S.C. § 151, *et seq.*

The following is the result of the election as reported by Investigator Yoder.

<u>Election Results for Flight Dispatchers</u>	
Eligible Employees	17
Total Valid Votes	14
IBT	7
Ronald D. Doig	0
“No” Votes	7
Void Votes	0

RLA Section 2, Ninth, which provides the Board’s statutory mandate to resolve election disputes, states the following:

In any such election for which there are 3 or more options (including the option of not being represented by any labor organization) on the ballot and no such option receives a majority of the valid votes cast, the Mediation Board shall arrange for a second election between the options receiving the largest and the second largest number of votes.

45 U.S.C. § 152, Ninth. Section 1206.1(a) of the Board’s Rules addresses run-off elections, and states as follows:

In an election among any craft or class where three or more options (including the option for no representation) receive valid votes, if no option receives a majority of the legal votes cast, or in the event of a tie vote, the Board shall authorize a run-off election.

29 C.F.R. § 1206.1(a).

On April 30, 2015, the IBT submitted a position statement arguing that a run-off election is required because no option received a majority of the votes. On April 30, 2015 and May 1, 2015, Doig and the Carrier respectively argued that there should be no run-off election because only two options received valid votes, and as a result Section 1206.1(a) does not come into play.

The Board finds that Section 1206.1(a) does not come into play in this case because only two options received valid votes.

The Board further finds that: the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; this Board has jurisdiction over the dispute involved herein; and the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

On the basis of the investigation and report of election which establishes that less than a majority of eligible employees cast valid votes for representation, the Board finds no basis for certification and the application is, therefore, dismissed subject to Part 1206.4(b) of the NMB Rules.

By direction of the NATIONAL MEDIATION BOARD.

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

Mary L. Johnson
General Counsel