



CORRECTED

NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

(202) 692-5000

In the Matter of the
Application of

INTERNATIONAL ASSOCIATION
OF MACHINISTS AND
AEROSPACE WORKERS

alleging a representation dispute
pursuant to Section 2, Ninth, of
the Railway Labor Act, as
amended

involving employees of

LUFTHANSA TECHNIK PUERTO
RICO

47 NMB No. 8

CASE NO. R-7538

REQUEST FOR
EXTENSION OF
VOTING PERIOD -
GRANTED

January 14, 2020

This determination addresses the request of Lufthansa Technik Puerto Rico (Lufthansa Technik or Carrier) to extend the dates of the ongoing election in R-7538 involving the craft or class of Mechanics and Related Employees, sought to be represented by the International Association of Machinists and Aerospace Workers (IAM or Organization). For the reasons discussed below, the extension is granted.

PROCEDURAL BACKGROUND

On December 5, 2019, the National Mediation Board (NMB or Board) authorized an election for the Mechanics and Related Employees at Lufthansa Technik, sought to be represented by the IAM. The election began on December 19, 2019 and the tally is scheduled to take place at 2 p.m. ET on January 16, 2020. The deadline for duplicate ballots was January 9, 2020.

The Carrier filed a letter on January 8, 2020, requesting two additional weeks of voting in R-7538. Lufthansa Technik contented that as a result of the January 7, 2020 earthquake, including loss of electricity and potential problems with phone service, employees may be unable to vote by internet as well as by telephone during the remainder of the voting period. The Carrier also asserted that several employees have reported that they are waiting for their voting instructions from the NMB and they may lose their opportunity to vote should the situation in Puerto Rico continue or get worse. In support of its arguments, the Carrier provided a news article from USA Today and two notices from a local paper, El Nuevo Dia. The Carrier argued that the conditions caused by the earthquake were extraordinary circumstances necessitating an extension of the voting period.

The IAM responded to the Carrier's request for an extension on January 10, 2020. The Organization noted that while there has been intense and frequent shaking, and damage to structures on the southern coast of the island, the impact in the Northwest - where the Carrier's facility is located - has been minor. The IAM stated that Lufthansa Technik suspended operations for only one day as a result of the earthquake and there were no major reports of damages for the Aguadilla region. The IAM stated further that it investigated whether the employees experienced any difficulties that prevented them from using the telephone, internet, or mail service. The IAM reported that it has not found any employees who have been unable to avail themselves of the voting process.

DISCUSSION

In the absence of extraordinary circumstances, the Board has maintained a general policy of not changing election dates in order to avoid voter confusion and to protect the stability of the voting process. *Delta Air Lines, Inc.*, 37 NMB 337 (2010), *Continental Airlines*, 35 NMB 42, 28 (2008); *United Airlines, Inc.*, 27 NMB 221, 227 (2000); *US Air*, 17 NMB 69 (1989). The Board will proceed with representation elections as scheduled unless the Board itself finds it is necessary to delay due to unusual or extraordinary circumstances or is barred by court order. *Tower Air*, 16 NMB 326 (1989); *Air Florida*, 10 NMB 294, 294 (1983).

The Board finds extraordinary circumstances present in this case. The January 7, 2020 earthquake resulted in a power outage to the entire island and impacted the island's telecommunication systems. The Board also takes administrative notice of continued disruptions in power and other services due to the subsequent strong aftershocks. The Board is required to ensure that

employees are provided a meaningful opportunity to vote and that the basic

principle of employee free choice is protected. In order to effectuate its statutory duty to ensure a free and fair election with full employee participation, the Carrier's request to extend the voting period and the deadline for receipt of duplicate ballot requests is granted. The new tally date is scheduled for 2 p.m. ET on January 30, 2020. Duplicate ballots received by January 23, 2020 will be processed.

A Notice to Employees regarding the extension of the voting period is enclosed. The Carrier must post the enclosed Notice on Carrier bulletin boards and at all locations where other notices to employees usually are posted.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel

Copies /Attachments:

Alan M. Bayless Feldman, Esq.
Maralyssa Alvarez-Sanchez, Esq.
Javier Almazan, Sr.
Jose Rodriguez-Baez
Carla Siegel, Esq.

Chairman Puchala, dissenting.

Based on the record in this case, I would deny the Carrier's request. In my view, the extraordinary circumstances required to change the election dates are not

present as they were in 2017. In 2017, the entire island had no power and no cell service for weeks and the postal service remained closed indefinitely. Currently, the region's postal service remains open, the Carrier's facilities have resumed operations, and there is no clear evidence that employees have been unable to vote. Accordingly, I would hold the tally on the originally scheduled date.