

## Union Organizing in the Airline Industry

Union organizing within the airline and railroad industries is governed by the Railway Labor Act as it is administered by the National Mediation Board and interpreted by the federal courts. The National Mediation Board conducts union elections as follows:

### Authorization Cards

To initiate a representation dispute, the applicant union circulates authorization cards among the employee group it is seeking to represent. Employees who are interested in representation sign, date and return the cards to the union. These cards are good for one year from the date they are signed. The NMB requires cards from at least 50% of the employees whom the union is targeting for representation to conduct an election when the employees are already represented by another union. The NMB only requires cards from 35% of the employees when they are not represented.

### The NMB Election Process

An election is normally scheduled to begin approximately one month after the NMB has determined the applicant union has made the 35 or 50% showing of interest. The NMB has ordered that the current election will be held by telephone. The voting period begins when the NMB sends out instructions to all eligible employees. The NMB usually allows employees another month after the instructions are mailed for them to be tallied.

An NMB election is different from a typical ballot. It only has the names of the two unions listed as voting choices and an opportunity for the employee to state another union's name if s/he desires. There is no opportunity for the employee to

vote for "No Union". An employee who is interested in no representation should simply not participate in the telephone process.

### The Telephone Ballot Count

The NMB's standard balloting procedures are as follows. On the day the election period closes, the NMB will count the telephonic votes it has received using a process that protects the confidentiality of whether and how each employee voted. For any candidate to win the election and be certified, a majority (50% + 1) of the eligible voting population must cast valid votes. Thus, employees who do not want to be represented make their desire known by not voting in the election. If a majority of the eligible voters casts valid ballots, then the NMB will certify the candidate that receives a majority of the valid ballots cast. For example, if an election is held among a group of employees and the Board finds that 100 employees are eligible to vote in the election, at least 51 of these employees would have to return valid ballots in the election for a union to be certified; if a total of 51 valid ballots are cast, then the union receiving a majority of those ballots (26 or more) will win the election and be certified.

### Guidelines For United Management During a Representation Dispute

Employees have the right under federal law to organize for collective bargaining purposes and select or change their representative. Employees are to be free from coercion by an employer or a union during this process. United Airlines fully supports these rights and expects all of its employees and supervisors to do the same.

The National Mediation Board supervises union elections and has rules about what a supervisor can and cannot do during a representational dispute. The purpose of these Guidelines is to help you understand what these rules are. The most important

point is that United might be legally responsible for whatever you do or say as a supervisor, manager or management employee. If you have any doubts about what you can do or say, please clarify with your own manager or Al Koehler to ensure that it is appropriate and legal conduct. Series 15-1.12 also provides guidelines for your use.

### **What We Cannot Do**

1. Favor one union over the other. In a representation dispute, the Company must remain neutral as to who should represent our employees.
2. Make promises that an employee will receive better wages, benefits or job security if the employee votes for or against certain representation or no representation.
3. Threaten an employee or retaliate against an employee based on his or her support or non-support of the union(s). Make any statements that could in any way be construed as a threat or form of retaliation.
4. Ask an employee whether he or she filled out an authorization card, whether s/he wants To be represented by the AMFA, IAM or any union or how s/he will vote in any up coming election. Simply do not ask an employee about how an employee or others may feel about these issues.
5. Tell an employee that United will not bargain with one union or the other about any topic or that we would never agree to any issues involving their employment if a certain union is elected.
6. Give favored treatment or penalize employees based on their union leanings. Continue to treat all of your employees equally, regardless of whether you agree or disagree with them about any representational choices. Continue to assign

work, interact with employees, promote and issue discipline as you would do normally.

Please discuss any terminations or significant changes in an employee's status with Al Koehler before taking action.

7. Spy or watch employees who are engaging in union activities. Unions normally hold Meetings with employees at locations near their workplace. Do not make any statements which imply that you or United is monitoring who does and does not attend these union meetings or distributes union literature.
8. Remove union materials from employee mailboxes or in-boxes unless you have strictly enforced a rule prohibiting the use of these mailboxes for non-Company business (i.e. if you have permitted employees to use them for craft sales or Girl Scout cookie forms, then you must permit them to be used for union literature.)
9. Instruct non-public contact employees to remove union buttons or pins as long as The message is not inflammatory or inappropriate. For example, "Support AMFA" is acceptable. "### Sucks" is not. Public contact employees cannot wear pins that go beyond the simple identification of the union by name or logo without a message.
10. Prevent employees from engaging in union activities during rest breaks, lunch periods or 30 minutes before or after working time. However, this conduct is only permitted in areas that employees normally have access to during their workday (cafeterias, parking lots, smoking areas, etc.) For example, employees from workplace "A" are not permitted to engage in union activities at workplace "B" unless they would normally have access to this area during their

workday (and again only if it is not during work time.) Series 15 1.12.1 has the exact guidelines for these situations.

- 11 . Provide travel benefits or other United resources (such as telephone access, copy machines, etc.) to employees or union representatives to engage in organizing. The only permitted union travel is per the collective bargaining agreement with the AMFA / IAM for essential union business, related to representational, not organizing activity.
12. Provide paid time off for employees to engage in campaign activities. Employees must engage in this activity on their own time and in accordance with these guidelines.
13. Approve union time off for union business without written approval by Al Koehler.

## **What we Must Do**

1. Ensure that both /all unions are treated evenhandedly **in terms of solicitation rules.**
2. Prevent solicitation for any reason during the working time of the employee soliciting or the employee being solicited except for rest breaks, lunch periods and 30 minutes before and after working time.
3. Prohibit non-employees from entering United Airlines property to solicit employees or distribute literature at any time unless they have been given prior approval by local management and Al Koehler.

4. Strictly enforce United's zero tolerance for violence and harassment in the workplace.
  5. Answer employees' questions about authorization cards or the election. (See attached sheet summarizing union representation disputes in the airline industry for details on this process.)
  6. Explain to employees that United is prevented by law from making any promises about the future during an election, compared to the unions which do not have any similar restrictions on what they can promise. Also explain the United will only agree to contract terms which will be in the best interest of United and its employees.
  7. Answer employees' questions about United's current benefits and wages. Discuss Differences between United and other carriers' public bargaining proposals or situations only if you are certain about what the other carriers or companies offer their employees.
  8. Correct any misleading or inaccurate information about United in union materials. We want our employees to be able to make fully informed choices based only on accurate information.
  9. Prohibit employees and others from using our e-mail system to distribute information about the unions, upcoming union meetings or any views supporting or opposing the unions.
  10. Restrict employees from distributing union materials except in parking lots, employee cafeterias and other areas used primarily for employee meals and breaks during periods when they are being used for such purposes.
- II . Restrict postings on union bulletin boards to union business and remove any campaign material from any union immediately.

12. Counsel and discipline employees who violate these guidelines when appropriate, regardless of any union affiliation.