



Seham, Seham, Meltz & Petersen, LLP

Attorneys At Law

199 Main Street, 7th Floor

White Plains, NY 10601

Tel: (914) 997-1346 · Fax: (914) 997-7125

www.ssmplaw.com · email: ssmplaw@ssmplaw.com

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VIA ELECTRONIC TRANSMISSION
AND FIRST CLASS MAIL

Thomas.reardon@united.com

Thomas Reardon
Managing Director – Labor Relations
United Airlines, Inc.
233 S. Wacker Drive
WHQLR 25th Floor
Chicago, Il 60606

Re: ALTA Organizing Drive – Carrier Neutrality Obligation

Dear Mr. Reardon:

On behalf of the Air Line Technicians Association (ALTA), we write to advise you of several incidents involving the discriminatory suppression of support for ALTA in violation of both federal law and United Airlines' published policies. We request that United take immediate action to educate its maintenance supervisors regarding their obligation to maintain carrier neutrality and of the legal consequences that may arise from interference with the rights of maintenance employees under Section 2, Fourth of the Railway Labor Act.

As you are aware, effective with the commencement of ALTA's organizing campaign, United came under a legal obligation to remain neutral and abstain from any coercion that would upset the "laboratory conditions" which are required by the Railway Labor Act during an election process.

Section 2, Fourth of the Railway Labor Act provides, in pertinent part:

No carrier, its officers or agents, shall deny or in any way question the right of its employees to join, organize, or assist in organizing the labor organization of their choice, and it shall be unlawful for any carrier to interfere in any way with the organization of its employees....

Thus, federal law prohibits a carrier from interfering with an employee's pro-union solicitation rights. *Adams v. Federal Express*, 470 F. Supp. 1356, 1374 (W.D. Tenn. 1979), *aff'd*, 654 F.2d 452 (6th Cir. 1981); *Arcamuzi v. Continental Air Lines, Inc.*, 819 F.2d 935, 936-37 (9th Cir.

1987); *Scott v. American Airlines, Inc.*, 488 F. Supp. 415, 419 (E.D.N.Y. 1980). In the last of these decisions, the court specifically held:

an employer may not interfere with employees right to organize by preventing the wearing of union pins or imposing discipline by reason thereof and this is particularly true, where, as here, other employees are or have been permitted to wear union pins

Scott, 488 F. Supp. at 419.

Significantly, a federal district court in California has held:

The law regarding union literature in non-work areas is not in dispute. Employers may not prohibit employees from distributing union literature on non-work time and in non-work areas. *See, e.g., Consolidated Diesel Co. v. NLRB*, 263 F.3d 345, 354 (4th Cir. 2001); *NLRB v. Lummus Indus.*, 679 F.2d 229, 233 (11th Cir. 1982). With regard to bulletin boards, "there is no statutory right of employees or a union to use an employer's bulletin board," however, if the employer allows any non-work related postings on the board it must also permit union-related postings and the employer's motivation in denying such postings is "irrelevant." *Honeywell, Inc.*, 262 NLRB 1402 (1982).

Skywest Pilots ALPA Organizing Committee v. Skywest Airlines, Inc., 2007 U.S. Dist. LEXIS 48316 (N.D. Calif. 2007).

In sum, it is abundantly clear that, among the federally-protected rights of United maintenance employees are the rights to wear union pins and lanyards, distribute union literature during non-working time in non-working areas, and engage in all other advocacy permitted to an incumbent union (e.g., wearing t-shirts or posting/distribution of promotional materials).

Notwithstanding the clarity of this RLA precedent, United management representatives have engaged in a series of violations of which the following examples are merely illustrative:

- IAD and SFO management representatives have prohibited the distribution of ALTA literature anywhere on United property and have confiscated and destroyed ALTA flyers and authorization cards;
- SFO management mistakenly received ALTA campaign materials sent via the United States Postal Service and unlawfully opened the package, and even commenced a retaliatory disciplinary investigation in LAX;
- SFO management representatives have prohibited the wearing of ALTA t-shirts, buttons and lanyards.

We can provide you the dates of the above-referenced violations and the identity of the management representatives involved if such is required for you to take remedial measures. However, in order to avoid any unnecessary labor-management antagonism, we believe the best course of action at this juncture would be a general directive to maintenance management representatives concerning United's policy, rather than the singling out of any individual.

In addition to the injunctive relief available from the federal courts, the National Mediation Board will exercise its authority under Section 2, Ninth to order a re-run election where the carrier has interfered with the "laboratory conditions" required under the Railway Labor Act. See, e.g., *America West Airlines*, 25 NMB 127 (1997); *America West Airlines*, 21 NMB 293 (1994); *Federal Express Corp.*, 20 NMB 7 (1992). We hope that all the parties involved in this process will recognize a shared interest in a clean and lawful election that will determine the Mechanics and Related Employees' collective preference with finality.

ALTA advocates intend to exercise their right to solicit authorization cards from their fellow employees in non-working areas during non-working time and in any other venues where the incumbent union has historically engaged in union activity. ALTA advocates also intend to wear all indicia of their union support that is currently permitted to the incumbent, including buttons, lanyards and t-shirts. We respectfully request that you instruct both United management representatives that there may be no interference with United employees' exercise of their democratic rights as described herein.

We request a response at your earliest convenience.

Sincerely,



Lee Seham

cc: ALTA Organizing Committees
SFO IAH LAX DEN ORD EWR MCO