



## INDEPENDENT PILOTS ASSOCIATION

December 16, 2009

Elizabeth Dougherty, Chairman  
Harry Hoglander, Member  
Linda Puchala, Member  
National Mediation Board  
1301 K Street N.W., Suite 250 East  
Washington, DC 20005-7011

Re: Proposed NMB Rule Change For Union Representation Elections-  
Docket No. C-6964

Dear NMB Members:

The Independent Pilots Association (IPA) has reviewed the National Mediation Board's (NMB's) proposed rule change with respect to representation election procedures. The IPA is the certified collective bargaining representative of the 2,800 professional airline pilots who fly for United Parcel Service.

The IPA strongly supports the NMB's proposed policy change. The reason we support the change is clearly outlined by the Board majority in the Federal Register published on November 3, 2009. The Board's attempt to bring the NMB election process in line with industry developments, and to align this process with the way workers in the industry are accustomed to expressing their views, provides a strong rationale for the proposed change.

The Board is correct that free choice is typically expressed in our industry and in society on the basis of valid votes cast in an election. Our own Union officer elections are conducted in such a manner. The Board is correct to state that "nonvoting can be a conscious choice and assigning those who choose not to vote a role in the determining the outcome of an

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election is a type of compulsory voting not practiced in our democratic system.” We agree.

Under the existing election procedure, there is no opportunity for an employee to vote “no” or cast a ballot against representation. Abstaining from voting—which could be for any number of reasons depending on the individual involved—is, in all cases, currently counted by the Board as a vote against representation. In order to give Section 2, Fourth of the Railway Labor Act (RLA) its full meaning, we agree that the current Board policy, adopted for administrative reasons, should change.

We do not, however, agree with or accept Chairman Dougherty’s contention that such a change would necessarily need to be extended to other contexts such as decertification. We believe that the Board can address any such change, if at all, based on the unique facts of those circumstances. The IPA will reserve, until such time that there is actually a proposal dealing with possible other electoral procedure changes, our comments with regard to the merits of any such proposal(s).

In the meantime, we reiterate our strong support for the Board’s proposed change outlined on November 3, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Miller", with a large, stylized initial "R" and a circular flourish at the end.

Robert M. Miller,  
IPA President

cc: CAPA