



# MERGER WATCH

The International Association of  
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## NMB Proposes Rule Change to Destroy Northwest Unions

In an openly anti-union gesture, on July 15, 2008 the National Mediation Board (NMB), the government agency that holds representation elections and certifies unions in the airline and railroad industries, announced its intent to change its rules and procedures in carrier mergers.

The proposed change says that when *“there is a certified representative on one of the affected carrier(s) but no certified representative on the other, the Board will exercise its discretion and extend the certification only where there is more than a substantial majority, as determined by the Board. Authorization cards may only be used to supplement the showing of interest necessary to trigger an election; they may not be used towards getting a certification extended.”*

The IAM has been at the forefront of the fight opposing this change. While our formal comments are not due until September 3, 2008, we wanted to share some of our concerns about this proposal. Of particular note is the fact that this proposed change *only* applies when a carrier whose employees are unrepresented merges with a carrier whose employees are represented. This reflects the precise scenario involved in the intended Delta-Northwest merger. It appears the Board is attempting to change its merger procedures after the announced Delta-Northwest merger in an effort to undermine union representation.

Under the current procedures, whenever there has been a merger between an unrepresented and a represented group and the represented group has a majority, the NMB has extended the certification of the representative. For the NMB to adopt a rule now that only when one carrier is represented and the other is not, the represented group must be “more than a substantial majority as determined by the Board” signals a deviation from its decades-long precedent without any demonstrated need or justification for such a change. The only effect of such a change is to make it significantly more difficult for employees to maintain their representation after a merger and help keep Delta Air Lines largely non-union.

Prior to these proposed changes, the NMB would have permitted the IAM to demonstrate its majority status on the merged carrier by relying on its certification on Northwest and obtaining authorization cards from employees on Delta to meet the majority requirement. In other words, if we represented 40% of all of the employees in the newly merged craft or class, we could get cards from another 10% plus 1 and *if the new carrier agreed in writing*, the IAM could be certified. It appears that the Board is now looking to argue that its change prohibits such a certification since cards cannot be used to extend certification. The Board would still allow a labor representative that is totally new to a carrier to obtain certification by a check of authorization cards, but, it appears that employees who have been represented by a labor representative for decades cannot maintain that representation by a check of authorization cards.

We will update you once our comments are filed and let you know if the NMB agrees to our request for a public hearing on this very important matter.