



NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

Member of the Board
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August 15, 2008

Honorable Edward M. Kennedy, Chairman
Senate Committee on Health, Education, Labor and Pensions
428 Senate Dirksen Office Building
Washington, DC 20510

Dear Chairman Kennedy:

I want to join my colleagues at the National Mediation Board (NMB) in thanking you for your letter of August 8, 2008, and your concerns regarding the NMB's proposed revisions to its Representation Manual. I write separately from my colleagues because I disagree with their course of action with regard to proposed Section 19.701. Specifically, even though they have decided to continue with the revision process, I would withdraw the proposed Section 19.701.

My concern is that proposed Section 19.701 has given rise to a perception that the NMB is biased in favor of carriers in general, and Delta Airlines in particular. I have not had any conversations with either Delta Airlines or Northwest Airlines regarding the Board's merger procedures or any matter related to their merger. Unfortunately, the timing of the Board's action, coming as it does on the eve of the largest merger in the history of commercial aviation in the United States – has only bolstered these perceptions and created suspicion about the NMB's motives. I am particularly distressed because this is the first time in my tenure at the NMB that I have heard such suspicions expressed about our Agency.

I am now convinced that there is no urgent need to revise this particular section of the merger procedures. The NMB can and should continue to apply its long standing practice and well settled case law to determine whether a union enjoys majority support from employees in the merged craft or class.

I have proposed to my colleagues that the Board withdraw this controversial section and reconsider it after the Delta-Northwest Merger. My proposal was rejected. I believe the NMB was ill-advised to consider revisions to the merger procedure at this time and that the best course to preserve the integrity of the Agency and its mission is for us to withdraw proposed Section 19.701 Notice, 35 NMB 61 and 35 NMB 62.

Sincerely,

Harry R. Hoglander
Member of the Board