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INTER-OFFICE MEMORANDUM

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DATE: October 20, 1992 **TO:** All Crewmembers
FROM: Ted Weise
SUBJECT: **NATIONAL MEDIATION BOARD RULING**

Attached is the ruling we received Monday from the National Mediation Board culminating their 14 month investigation of the ALPA's protest of the most recent pilot representation election. As you have probably heard by now, the NMB has decided that another election should be conducted, and rejected the ALPA's plea for special balloting procedures. No schedule has been set for the upcoming election.

We are obviously disappointed with the NMB's decision, but recognize the reality that ALPA could have initiated another election with a 35% showing of interest after only 12 months if it had not filed its protest of the August, 1992 election.

In short, the NMB:

- Found insufficient evidence to support the ALPA's claim that Federal Express had made illegal promises or improperly conferred benefits on its pilots during the election period in the form of an American Airlines jumpseat agreement or the lobbying effort for pilot pension legislation.
- Found insufficient evidence to support the ALPA's claim that Federal Express conducted improper surveillance or polling of its pilots during the election period.
- Found insufficient evidence to support the ALPA's claim that the mailing list provided to the Board by Federal Express was inaccurate or undermined the voting process.
- Found insufficient evidence to support the ALPA's claim that Federal Express assisted the "NO" pilot group.
- Found insufficient evidence to support the ALPA's claim that the formation of a Scope Committee pre-empted the ALPA's negotiating role.
- Questioned the timing of the formation of the Scope Committee, although they conceded that, "the carrier has historically used committees to deal with or to enhance communications on various work-related problems."

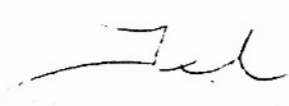
- Found "the carrier's campaign communications, particularly Smith's July 12 letter and the carrier's letter regarding dues obligations of concern." The Board noted, however, "that many of the carrier's letters were issued in response to ALPA's campaign materials.
- Believed that remarks made about possible furloughs by a mid-level member of Flight Management over three months prior to the start of the voting period started rumors which "tainted" the laboratory conditions the Board requires. The Board held this belief in spite of the fact that a letter from Jim McKinney on April 4, 1992, "made it clear that the carrier did not intend to furlough employees." The conclusion was also reached in spite of the Board's statement that, "none of the randomly selected employees (interviewed by the Board's investigator) expressed belief that the carrier would furlough in retaliation for electing ALPA."

In conclusion, the Board states, "When Federal Express' conduct is viewed in its totality, the Board finds the laboratory conditions were tainted." I encourage you to draw your own conclusions from the ruling by reading it yourself.

If you don't want to read the entire decision, I recommend you at least read pages 43-53, which contain the Board's conclusions regarding each of the ALPA's charges. Once you have read this decision, I feel certain you will fully understand why Federal Express has been so careful in our efforts to maintain laboratory conditions over the past 14 months in spite of the baiting comments on that subject by the Organizing Committee and the ALPA. I know this holding pattern has been frustrating to endure, but it was clearly necessary.

To clarify one final point concerning the upcoming election, the Board's ruling states, "The list of eligible voters will contain all those in the craft or class of Flight Deck Crew Members as of the last day of the last payroll period prior to the date of this decision." The date mandated by that ruling is October 15, 1992.

We'll continue to keep you informed as timing and details for the upcoming election are finalized with the NMB.



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