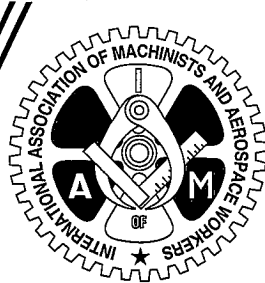


**International
Association of
Machinists and
Aerospace Workers**



9000 Machinists Place
Upper Marlboro, Maryland 20772-2687

Area Code 301
967-4500



OFFICE OF THE GENERAL VICE PRESIDENT

CO Delta Airlines, Inc./IAM

December 9, 2010

Via Electronic Filing

Mary L. Johnson, General Counsel
National Mediation Board
1301 K Street, NW, Suite 250 East
Washington, DC 20572

Re: NMB Case No. R-7258 (Stock Clerks/Stores)
Delta Air Lines, Inc./IAM

Dear Ms. Johnson:

Pursuant to Section 17.0 of the NMB Representation Manual, the International Association of Machinists and Aerospace Workers ("IAM" or the "Union") charges Delta Air Lines, Inc. ("Delta" or the "Carrier") with pervasive interference in the above-referenced election involving the Carrier's Stock and Stores Employees ("Stock Clerks"). The Stock Clerks election was conducted almost entirely during the same time period as the much larger Fleet Service election at Delta in NMB Case No. R-7256 that encompassed all stations where Delta Stock Clerks are located. Delta's conduct during the election period is the subject of charges filed by the IAM of systemic and egregious election interference with regard to the Fleet Service election. As discussed below, much of Delta's objectionable conduct with respect to the Fleet Service election applies equally to the Stock Clerks election. Accordingly, with respect to the Stock Clerks election, the IAM fully incorporates by reference the charges of election interference that the Union filed on December 8, 2010 in NMB Case No. R-7256 with respect to the Fleet Service election, as well as the applicable supporting documentation, legal analysis and requested remedies set forth therein.

Contrary to the NMB voting instructions, Delta commanded that Stock Clerks "must vote" in the election. *Exhibit A; see also pp. 2-4 of the IAM Interference Submission in NMB Case No. R-7256 ("12/8/10 Submission")*. Delta deceptively represented to Stock Clerks that the Carrier was part of the official NMB voting process. *12/8/10 Submission, pp. 4-5*. Delta misrepresented NMB precedent, rulings and the RLA in an effort to confuse Stock Clerks. *Exhibit B; 12/8/10 Submission, pp. 30-36*. Delta coerced Stock Clerks into voting from Company computers creating, at a minimum, the impermissible impression of surveillance. *12/8/10 Submission, pp. 5-7*. Delta discriminatorily denied the IAM equal access to Stock Clerks and prohibited Stock Clerks from posting pro-Union information, discussing Union matters, and wearing pro-IAM clothing or insignia. *12/8/10 Submission, pp. 12-17*. Delta refused to give pre-merger Northwest Stock Clerks a pay increase because they were Union members, despite the Union's endorsement of such a pay increase. *12/8/10 Submission, pp. 28-30*.

Delta's Stock Clerks were subjected to the Carrier's massive and ubiquitous anti-union campaign that so overwhelmed employees as to interfere with their free choice of representative. Delta's campaign polluted the election environment for employees both at work and outside of work. The Carrier's campaign included a constant barrage of anti-union propaganda on employees' computer screens in the form of pop-ups, messages, articles and videos. Delta also erected giant posters in locations where they were a constant presence for a captive audience, and posted anti-IAM materials on all bulletin boards and in break rooms.

Delta sent mailings to employees' homes and emails to their computers bashing the Union; Delta managers handed out flyers, memos and cards attacking the Union; and Delta's highest officials berated the Union in their periodic phone calls to employees. Examples of flyers that Delta distributed to Stock Clerks are attached as *Exhibit C*. Many of Delta's communications to Stock Clerks were false or misleading. For example, Delta told Stock Clerks that they did not need to sign IAM authorization cards when the Union's single carrier application was pending because of the Delta-Northwest ratio and that "there will be an election regardless of "A" cards." *Exhibit D*.

Delta systematically conveyed to Stock Clerks that they "must vote" during the voting period. CEO Richard Anderson put out his message as did TechOps President Tony Charaf. *Exhibit A*. Stock clerks were coerced into believing that abstention was not an option. Such material misrepresentations in carrier communications that improperly influence employees in their choice of representative constitute election interference. *Aeromexico*, 28 NMB 309, 335 (2001).

Perhaps nowhere was Delta's campaign more intimidating, overwhelming and noxious than on DeltaNet, the Carrier's intranet. Stock Clerks are particularly vulnerable to this interference because they spend virtually their entire work day in front of computer screens on DeltaNet. See attached *Stock Clerk Declaration, Paragraphs 1-2*. Stock Clerks are required to log on to DeltaNet using their personal ID and password in order to perform their job functions and check Company email. *Id., Para.1*.

During the voting period for the Stock Clerks election, every time Stock Clerks logged on to DeltaNet, they were confronted by a pop-up box that read "Decision 2010 Whether you are casting a YES or NO vote you MUST VOTE to be counted. Click here for more information." *Id., Para. 4*. When an employee clicked on the "MUST VOTE" pop-up, DeltaNet took the employee to a page titled "Decision 2010" that described a three step voting process, the first step of which was to visit the departmental page or talk to a supervisor to "get the facts."

After approximately five minutes of non-use, an employee's DeltaNet connection times out, requiring the employee to log on again using his/her personal ID and password. Stock Clerks generally must log on to DeltaNet three or four times each day after lunch and other breaks. *Id., Para. 3*. The "MUST VOTE" pop-up, therefore, came up unavoidably on Stock Clerks' computer screens four or five times every work day for the entire four week voting period (80 or 100 times). *Id., Para.4*.

As part of Delta's TechOps division, Stock Clerks are also required to go to the TechOps home page to perform their jobs. *Id., Para. 5*. The TechOps homepage is the Stock Clerks' primary page on their computers at work. *Id.* For example, Stock Clerks access shipping and receiving information from the TechOps homepage. *Id.* During the voting period for the Stock Clerks' election, the TechOps homepage was filled with anti-Union messages and links. *Id., Para. 6*. These included Company newsletters, letters from TechOps division President Tony Charaf, voting

information, and links to anti-Union videos on Delta Tube, all urging Stock Clerks to vote against Union representation. *Id.*

Delta's campaign in the physical workplace which was saturated with anti-Union messages, posters, sign and postings, and its complete usurpation and pollution of the virtual workplace on DeltaNet, combined with direct computer access to the NMB voting site, so coerced and intimidated Stock Clerks as to make a fair election impossible. The Supreme Court has recognized that a "restrictive zone" around voting is necessary to prevent voter intimidation. *Burson v. Freeman*, 504 U.S. 191, 206 (1992) (upholding restrictive zones around polling places to serve the compelling interest of protecting the right to vote freely and effectively). The Court held that restrictive zones around polling places do not violate the First Amendment. *Id.* at 211.

The National Labor Relations Board ("NLRB") long ago adopted a restrictive zone at polling places for representation elections conducted under the National Labor Relations Act. The NLRB prohibits "sustained conversations with prospective voters waiting to cast their ballots." *Milchem Inc.*, 170 NLRB 362 (1968). Violation of the NLRB restrictive zone is grounds for a re-run election, "regardless of the content of the remarks." *Id.*

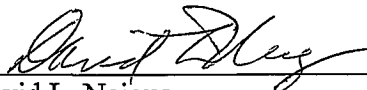
While restrictive zones in NLRB and political elections have heretofore been used to protect the integrity of elections conducted at polling stations, Delta's conduct in these elections demonstrates the need for a restrictive zone in internet voting as well. In this case, Delta effectively invaded and occupied the entire space around internet voting from Company computers. The intimidation and coercion that resulted from Delta's complete domination of the internet voting environment can be remedied by a re-run election using a mail ballot or, alternatively, by a prohibition on voting from Company computers and telephones. The Board should also apply to the Stock Clerks' re-run election other remedies detailed in the IAM's Fleet Service election interference charges, such as mailing the Board's decision to all Stock Clerks and providing the Union with mailing and email lists. *12/8/10 Submission, pp. 36-40.*

For the reasons set forth above and in the Union's election interference charges in NMB Case No. R-7256, the IAM respectfully requests that the Board investigate these interference allegations and order a re-run election among Delta's Stock Clerks.

Sincerely,

IAM LEGAL DEPARTMENT

By:


 David L. Neigus
 ASSOCIATE GENERAL COUNSEL

DLN/rc

cc: Certificate of Service

CERTIFICATE OF SERVICE

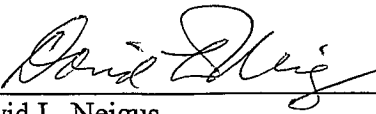
I hereby certify that a copy of the foregoing was, this 9th day of December, 2010, sent via electronic filing upon the following:

Mary L. Johnson, General Counsel
National Mediation Board
1301 K Street, NW, Suite 250 East
Washington, DC 20572
OLA-efile@nmb.gov

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Atlanta, GA 30320
andrea.bowman@delta.com

John J. Gallagher
Counsel for Delta Air Lines, Inc.
Paul, Hastings, Janofsky & Walker, LLP
875 15th Street, NW
Washington, DC 20005
jackgallagher@paulhastings.com



David L. Neigus

DELTA EMPLOYEES



Record the Facts

(Who, What, Where, When & Witnesses)

IF YOU BELIEVE ANY DELTA SUPERVISOR OR MANAGER HAS VIOLATED THE LAW (BY INTIMIDATION, THREATS, OR OTHER ACTIONS FOR POSSESSING OR READING UNION LITERATURE ON YOUR LUNCH OR BREAK TIME), PLEASE COMPLETE THIS FORM AND RETURN IT TO YOUR IAM REPRESENTATIVE IMMEDIATELY. BE AS SPECIFIC AS YOU CAN ABOUT THE INCIDENT AND INCLUDE DIRECT QUOTES AND WITNESSES WHERE POSSIBLE. ALL STATEMENTS WILL BE HELD IN THE STRICTEST OF CONFIDENCE.

On or about July 1st (Date), 20 10, at _____ (Time), in or near _____

the following employer representative(s) Jonny Charaf, President - Delta Tech Ops (Location) (Names and Titles) were involved in the incident described below:

In Mr Charaf's memo dated July 1st his reference to IAM's investigation to determine status for Supply Attendants, Stock Clerk & SWES he begins his message with "Unfortunately" which is an injurious & slanderous statement. He further goes on in his memo to state "In order to vote no to IAM representatives you must submit a "no" ballot. This is a leading statement.

(Attach additional sheets if necessary)

Name _____ (Print) _____ (Sign)

Address _____

City Des Moines State WA Zip Code 98198

Date of Statement July 2nd, 2010 Phone _____

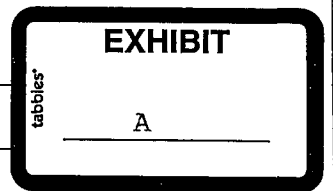
This incident was also witnessed by:

(Name of witness)

Phone _____

(Name of witness)

Phone _____





Tony Charaf
President - Delta TechOps

Delta Air Lines, Inc.
Department 217
PO Box 20706
Atlanta, GA 30320-6001
T. 404 714 1261
tony.charaf@delta.com

MEMO

To: Supply Attendant, Stock Clerk and SUE Colleagues
Date: July 1, 2010
Re: IAM files for union elections for ACS, Cargo and Reservations

Today, the International Association of Machinists (IAM) said it is filing applications with the National Mediation Board (NMB) seeking to represent "fleet service" and "passenger service" which typically includes ACS, Cargo and Reservations Sales employees. Unfortunately, this means that the IAM has once again failed to file for our Supply Attendants, Stock Clerks and SUEs. I know this has been one of the top issues on your minds and you are more than ready to have representation resolved.

I am truly disappointed that even after all the milestones that have been accomplished related to the merger, including the fact that we have been flying under a single Delta Air Lines operating certificate since December, the IAM is "still investigating" whether or not to offer you the opportunity to choose whether or not you want IAM representation. Hopefully the IAM will be filing soon to resolve representation for you.

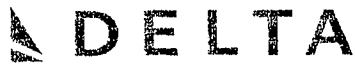
When the IAM finally does file for an election for this workgroup, it will be important to remember that the voting rules have changed. As we told you on June 29, future elections will take place under the new voting rules set forth by the NMB. The election results will be based on the votes of the majority of those voting. There is a significant difference in voting procedures compared to previous union elections in the airline industry. Now, under the new voting rules, in order to vote "no" to IAM representation, you must submit a "no" ballot. In other words, to have your voice heard, you MUST cast a ballot.

This process has already been delayed far too long and we will ensure the NMB is aware of the many reasons why the IAM should file to resolve representation for all our Supply Attendants, Stock Clerks and SUEs.

We remain committed to keeping you updated during this process. Always feel free to reach out to me or your leader with any questions you might have.

Thank you for staying focused on maintaining safe, reliable airplanes for Delta and our customers worldwide. We're proud of all that we've accomplished and look forward to the day we're able to move ahead with seniority integration and align pay, benefits and work rules.

Tony



To: Stock Clerk, Supply Attendant and SUE Colleagues

From: Tony Charaf, president - Delta TechOps

It's hard to believe that six months have passed since the closing of the merger and that the summer operation is just around the corner. We've already made great strides in our merger integration efforts and are quickly on our way to achieving a single operating certificate.

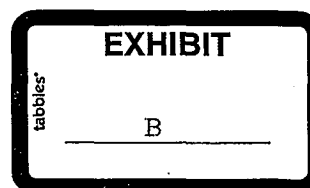
I've been traveling around the system, spending time with many of you and listening to your concerns. During our visits, there are some questions that continue to come up. The most common question is about the union election process and what you might expect. We've included some facts about how the election process typically works following a merger and the role of the National Mediation Board (NMB). We think you'll find the information helpful.

We know these and other issues are on the minds of many employees and their families, and it is important to us that we maintain timely, transparent and open lines of communication with you on a regular basis. For your convenience, we use a variety of communication vehicles. I host a monthly call-in show the first Friday of each month and encourage you to call in and ask us the tough questions and share what's on your mind. In addition, we also have the Ask Tony site and Delta TechOps News on DeltaNet (<http://dlnet.delta.com>). Simply log on and under the "Departments" pulldown menu choose "TechOps." TechOps News is located in the middle of the page and a link to the Ask Tony site is found on the right side of the page under Team TechOps.

Please don't hesitate to let your manager or any member of the TechOps leadership team know when you have questions. I hope to see many of you soon during my visits around the system.

Thank you for staying focused on maintaining a safe and reliable operation. Please continue to take good care of yourselves and each other.

Tony





How are representation issues resolved in an airline merger?

The National Mediation Board (NMB), a federal agency, is responsible for resolving representation issues in an airline merger.

What triggers NMB review?

An application must be submitted to the NMB.

Who can submit an application to the NMB?

A labor organization that represents one of the pre-merger groups can file with the NMB to resolve representation issues. It also may be possible for groups of unrepresented employees to start the NMB process.

Why doesn't Delta start the election process?

The NMB does not allow a company to file an application.

How does the NMB decide if an election will be held?

When a valid application is filed with the NMB, the NMB first would determine whether the two carriers constitute what they call a "single transportation system." Typically once the NMB makes a single transportation system finding for one workgroup, it will make the same finding for other workgroups. In January 2009, the NMB ruled that Delta and Northwest constitute a single transportation based on the applications of ALPA, PAFCA, TWU and NAMA. The NMB would then determine the appropriate workgroup - known as a "craft or class" - in which to conduct an election. "Craft or class" is how the NMB classifies employee groups. For example, the Stock Clerk "craft or class" typically refers to employees in the category that is called Stock Clerks at Northwest and that is called Supply Attendants and Stores Utility Employees (SUEs) at Delta. The next step is to determine whether the group that the application is filed for constitutes at least 35% of the combined workgroup. For purposes of meeting the 35% test, the employees represented by the union can add authorization cards signed by employees in the non-represented group. If the 35% test is met, there would be an election among the combined group. If not, the smaller group typically would be folded into the larger group without an election.

Is there a deadline for when a union must file to resolve representation issues?

The NMB's rules do not include a deadline for filing after a merger. However, Delta believes that the Railway Labor Act does not permit the post-merger continuation of a union which represents less than a majority of a craft or class indefinitely.

Once the NMB authorizes an election, how does the voting process work?

The company provides the NMB a list of eligible employees and mailing labels so the NMB can mail voting instructions to eligible employees. Each eligible employee will receive voting instructions from the NMB by mail which will contain a Voter Identification Number (VIN) and a Personal Identification Number (PIN). Employees are given a choice of either calling a toll-free number or accessing a designated website if they wish to vote for union representation. Once they confirm their vote, they cannot change their mind. Under the NMB's voting process, if an employee does not want union representation, they would simply not vote. There is no place to vote "no."

How many votes must the union receive to represent the employees?

If the number of eligible employees voting for union representation equals 50% + 1 vote, the union would be certified as the representative of all employees in that craft or class.

What happens after the results of the election are announced?

If the union is voted in, collective bargaining would start thereafter. Employees could not seek to change unions for two years following the certification. If the union is not voted in, then generally the union would be decertified and no election involving that group could be held again for one year. Unions could again seek a representation election after that one year. Unions could again seek a representation election after that one year. In some cases the union may elect to file interference charges with the NMB and seek a new election.

How would seniority integration work if we are no longer represented by a union?

By law, seniority integration must be "fair and equitable. So if seniority issues are not resolved, a stock clerk seniority integration committee of pre-merger Northwest employees would be formed. This committee's responsibilities would be the same as the existing TechOps seniority integration committee of pre-merger Delta employees.

The committee representing pre-merger Delta employees has already recommended a seniority integration method that they believe is fair and equitable. Both the law and Delta policy state that no seniority integration agreement can be implemented without the agreement of all three parties - the pre-merger Delta employees, the pre-merger Northwest employees and the company. That means, if employees are unrepresented and seniority integration remains unresolved, the pre-merger Northwest seniority integration committee will still have the opportunity to make its recommendation on seniority integration.

We would hope that the three parties would be able to reach an agreement on seniority integration. However, if the parties were not able to agree, the law requires that seniority integration would then be decided by a neutral arbitrator.

TechOps STORES
DECISION
2010

THE BOTTOM LINE

COMMITMENTS MADE
COMMITMENTS KEPT

PMDL SUPPLY ATTENDANTS:

Top of Scale Pay

\$21.46 per hour

PMNW STOCK CLERKS:

Top of Scale Pay

\$18.91 per hour

That's more than \$2.55 per hour

Or a total of more than

\$5,000 PER YEAR*

And if you consider dues that
PMNW employees pay, and the
PMDL additional shift differential pay,
the difference is even more

*working 40 hours per week

EXHIBIT

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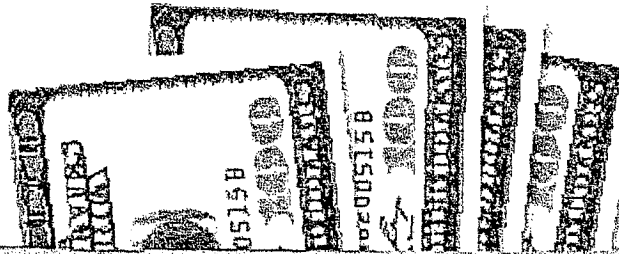
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YOUR VOICE. YOUR CHOICE. YOUR DELTA.

\$11.7 MILLION

as of October 2010

PAID IN IAM DUES BY PMNW EMPLOYEES SINCE NOVEMBER 2008



More than
\$1,300*

**WHAT WOULD YOU
DO WITH \$1,300?**

FIND OUT ←

*Dues vary by station. Currently, the IAM-represented employees in MSP making \$12-\$20 an hour pay \$56.78 a month. Using the applicable MSP dues rate for 2008, 2009 and 2010, an IAM member paid more than \$1,300 over the last two years.

DELTA

IT'S DECISION TIME

REMEMBER TO VOTE OCTOBER 25 - NOVEMBER 22

VOTING IS AS EASY AS 1, 2, 3

Whether by phone or internet, you will have a chance to vote for one of the following three choices:

- 1. YES. I VOTE FOR THE IAM.**
(You are voting for the IAM to represent you.)
- 2. YES. I VOTE FOR ANY OTHER ORGANIZATION OR INDIVIDUAL.**
(This is the write-in option and is likely to be considered either a vote for representation or a non-vote, either of which could help the IAM win.)
- 3. NO. I VOTE FOR NO REPRESENTATIVE.**
(You are voting to be union-free.)

**BUT YOU MUST HAVE
YOUR VIN AND PIN
- SENT TO YOUR
HOME IN THIS NMB
ENVELOPE - TO VOTE.**

NATIONAL MEDIATION BOARD
Washington, DC 20572-0001
OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300
Important: Voting Instructions Enclosed

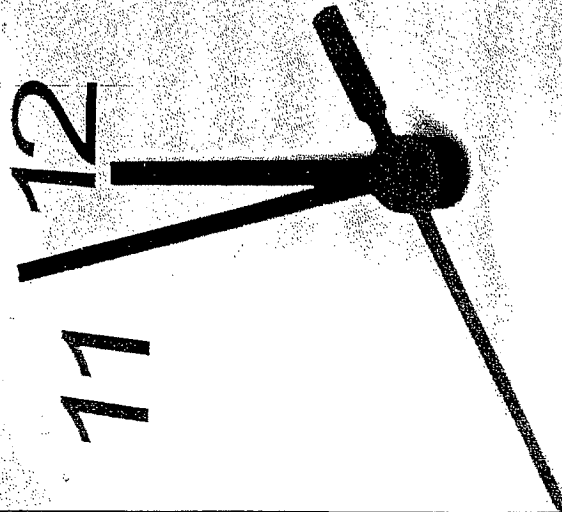
**IF YOU DO NOT RECEIVE YOUR VIN AND PIN FROM
THE NMB, PLEASE CONTACT YOUR LEADER FOR
INFORMATION ON HOW TO REQUEST IT.**

TechOps STORES
DECISION
2010

REMEMBER

If you want to be
I AM free -

Choose Option 3.



**DON'T
FORGET
TO VOTE!**

**The voting
period for
the Stores*
representation
election closes on
November 22nd
at 2:00 p.m.
Eastern time.**

* The NMB refers to this group as
Stock and Stores Employees.

You may vote over the phone or online using your VIN
and PIN from the National Mediation Board (NMB).

**This election may well determine whether you will
have union representation for the rest of your career
at Delta. Remember, in order to be counted, you
must vote. Don't let others decide your future.**

(Flip to see Important Voting Information)

REMEMBER

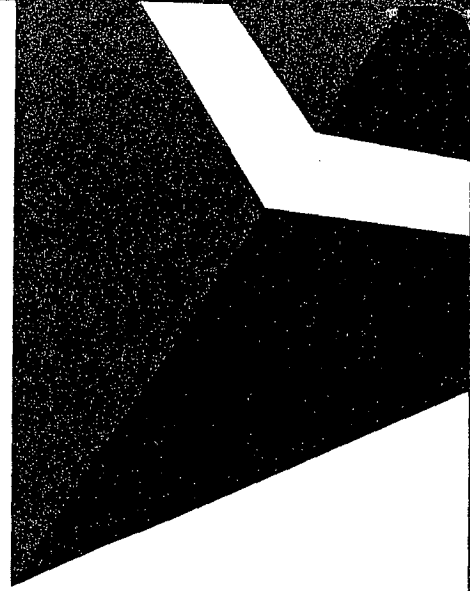
IMPORTANT INFORMATION ON THE WRITE-IN OPTION

On the NMB's ballot, you will notice a "write-in" option included in the choices for representation or no representation. The "write-in" - the second option on the ballot - actually could help the IAM get elected.

If you don't want the IAM, whether you are voting by internet or phone, you should wait to see or hear the third option - "NO. I vote for no representative."

Under the NMB rules, almost anything entered into the write-in section by a voter - including a blank vote - may be considered either a vote for union representation or a non-vote, either of which could help the IAM win.

THE DECISION IS YOURS.



NWA/DELTA EMPLOYEES



Record the Facts

(Who, What, Where, When & Witnesses)

IF YOU BELIEVE ANY NORTHWEST OR DELTA SUPERVISOR OR MANAGER HAS VIOLATED THE LAW (BY INTIMIDATION, THREATS, OR OTHER ACTIONS FOR POSSESSING OR READING UNION LITERATURE ON YOUR LUNCH OR BREAK TIME), PLEASE COMPLETE THIS FORM AND RETURN IT TO YOUR IAM REPRESENTATIVE IMMEDIATELY. BE AS SPECIFIC AS YOU CAN ABOUT THE INCIDENT AND INCLUDE DIRECT QUOTES AND WITNESSES WHERE POSSIBLE. ALL STATEMENTS WILL BE HELD IN THE STRICTEST OF CONFIDENCE.

On or about Aug 11, 20 10, at 1800, in or near

Stock room which is located in Hangar

the following employer representative(s) Delta management

were involved in the incident described below:

It has been brought to my attention by stock Clerk, that Delta management told all stock clerks (post and pre merger) that ~~there~~ ~~is~~ they do not need to fill out an "A" card because of the 50/50 ratio of workers. And that there will be an election regardless of "A" cards.

(Attach additional sheets, if necessary)

Name _____ (Sign)

Address _____

City Federal Way State WA Zip Code 98023

Date of Statement Aug 12 2010 Phone _____

This incident was also witnessed by:

(Name of witness) _____ Phone _____

(Name of witness) _____ Phone _____

EXHIBIT

tabbles

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**BEFORE THE
NATIONAL MEDIATION BOARD.**

In the Matter of

Stock Clerks of

NMB Case No. R-7258

DELTA AIR LINES, INC.

DECLARATION OF

I, _____, hereby declare under penalty of perjury that the following statements are true and correct to the best of my knowledge:

1. I am currently employed by Delta Air Lines, Inc. ("Delta") as a Stock Clerk.
2. In order to perform my job as a stock clerk at Delta, I am required to log on to DeltaNet (Delta's company intranet) using my personal ID and password. Virtually all of Delta's stock clerks, except for the few who exclusively drive trucks, are similarly required to log on to DeltaNet on a daily basis to perform their job functions and check company e-mail.
3. I generally log on to DeltaNet at the beginning of my daily shift and I am required to remain logged on for the remainder of my shift. When my computer is not used for approximately 5 minutes or more during breaks or at lunch, DeltaNet is timed out, and I must log on again using my personal ID and password. This generally happens 3 or 4 times each work day.
4. During the voting period for the Delta stock clerks representation election, every time I logged on to DeltaNet using my personal ID and password, a "pop-up" box immediately appeared that read "Decision 2010 Whether you are casting a YES or NO vote you MUST VOTE to be counted. Click here for more information." This pop-up message came on to my computer screen 4 or 5 times per day, each work day for the entire four week voting period.
5. Stock Clerks are part of Delta's TechOps division. After logging on to DeltaNet, I am required to go to the TechOps homepage in order to perform my job. For example, I have access to shipping company material and receiving information from the TechOps homepage. The TechOps homepage is the primary page on my computer at work.
6. During the voting period, the TechOps home page was filled with a variety of messages and links from Delta about the pending representation election. These communications included the Company newsletters, letters to stock clerks from TechOps division President Tony Charaf, voting information, and

links to anti-union videos on Delta Tube. The Company newsletters often included excerpts from or links to articles from the Wall Street Journal and other publications that contained anti-union messages. During the voting period, three or more separate letters from Tony Charaf were posted on the TechOps homepage or mailed to me urging stock clerks to vote no against union representation.

Executed in

this 7 day of December , 2010.
