NATIONAL LABOR RELATIONS BOARD

Region 20

901 Market Street, Suite 400
San Francisco, California 94103

Telephone: 415/356-5152
FAX: 415/356-5156
Website: www.nlrb.gov

May 9, 2007

Covenant Aviation Security LLC
245 South Spruce Avenue
South San Francisco, CA 94080-4520

Anthony S. Graefe, Esq.
Graefe & Hansen, Ltd.
55 West Monroe, Suite 3550
Chicago, IL 60603

Mr. Stephen J. Burke, Jr.
3661 Fleetwood Drive
San Bruno, CA 94066

Jeff Michaelson, Representative
3661 Fleetwood Drive
San Bruno, CA 94066

Ed Warshauer, Business Representative
Service Employees International Union, Local 790
1390 Market Street, Suite 118
San Francisco, CA 94102

Vincent A. Harrington, Esq.
Weinberg Roger & Rosenfeld
1001 Marina Village Parkway, Ste. 200
Alameda, CA 94501

Re: Covenant Aviation Security, LLC
    Case 20-UD-447

Gentlepersons:

On the basis of Region 20's investigation in the above-referenced matter, it appears appropriate now to conduct a secret-ballot election to determine whether bargaining unit employees of the Employer, Covenant Aviation Security, LLC, wish to withdraw the authority of Service Employees International Union, Local 790, under its agreement with Covenant, to require that employees make certain lawful payments to the Union in order to retain their jobs.

Accordingly, pursuant to Section 9(e)(1) of the National Labor Relations Act, as amended, and Section 102.85 of the Board's *Rules and Regulations*, Region 20 will conduct an election by secret ballot as described in the Notice of Election enclosed with this letter. I have decided that the voting will be conducted by mail for the following reasons.

The Employer advised that there has been a significant change in the size of its employee complement subsequent to earlier elections that Region 20 conducted among employees in the bargaining unit. The Employer asserted that this change would make it much more difficult for employees to vote during their working hours. The Employer also noted that the earlier elections were conducted in a secure area of San Francisco International Airport (SFO) that then was essentially vacant, and that this area may no longer be available. Petitioner added that because employees work varied schedules in terms of days per week, hours per day, and start times, a mail ballot might well yield higher participation rate than a manual election.

Twice before, in Case 20-RC-17896, Region 20 conducted a manual ballot election involving employees in the bargaining unit that will vote in this matter. Each of those elections was conducted at a single location at SFO, yet required six Board agents at each of four polling sessions that lasted up to 3.5 hours in length, a total commitment of more than 100 agent-hours if one accounts for travel and related chores. This effort to span as many voters' working hours as possible nevertheless posed problems, in part because on any single day only a portion of bargaining unit employees is scheduled to work, and additionally because employees work in several separate terminals. These difficulties no doubt accounted, at least in part, for the fact that during the February 2004 election, only 74% of eligible employees cast votes, and during the May 2005 election, 62% of eligible employees voted.
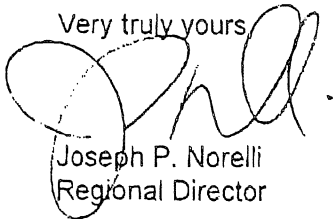
A mail ballot seems likely to overcome the difficulties noted above, and hence to result in a higher participation rate by employees who are eligible to vote. The Employer absolutely favors a mail ballot. Petitioner indicated that unless polling sessions were scheduled over at least three days, a feat that would prove daunting for some of the aforementioned reasons, he prefers a mail to a manual ballot. Although asked for its opinion on this question by means of an *Order to Show Cause*, SEIU Local 790 submitted no position. Accordingly, I have determined that because it seems likely to result in a higher voter participation rate, to prove less disruptive to the Employer's operation at SFO and to employees' work schedules, and to conserve resources, this election will be conducted by mail.

In order to ensure that eligible voters who exercise their statutory right to vote may have an opportunity to be informed about related issues, all parties to the election must have access to a list of such voters and their addresses. *Excelsior Underwear, Inc.*, 156 NLRB 1236; *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759. Accordingly, I direct the Employer to submit to me by **May 16, 2007**, a clearly legible list that sets forth the names and addresses of all eligible voters. I shall, in turn, make that list available to the other parties to the election. No extension of time to file this list may be granted except in extraordinary circumstances. Failure to comply with this requirement shall provide the ground to set aside the election if a proper objection is timely filed. The Employer should alphabetize the names of the eligible voters, and if at all possible should submit mailing labels for the employees whom it lists.

The Employer must post the enclosed Notice of Election in a conspicuous place or places that are easily accessible to the employees involved. Pursuant to Section 103.20 of the Board's *Rules and Regulations*, the Employer must post the Notice at least **three (3) full working days** prior to 12:01 a.m. on the day of the election. In this matter, because ballots will be mailed on Monday, June 4, 2007, and the Board has defined working days to exclude Saturdays, Sundays and holidays, the Employer must post the Notice no later than Tuesday, May 29, 2007.

If you have any questions, please contact this Regional Office at the telephone number above.

Very truly yours,

Joseph P. Norelli
Regional Director

Enclosures: Affidavit of Posting and Notices of Election

Union: Service Employees International Union, Local 790

Case 20-UD-447

VOTING UNIT

ELIGIBLE TO VOTE:
All full-time and regular part-time Baggage Handlers, Screeners, Lead Screeners, CTX Operators, CTX 9000 Specialists, and CTX Leads employed by the Employer at San Francisco International Airport (SFO), San Francisco, California, during the payroll period ending May 4, 2007

NOT ELIGIBLE TO VOTE:
All other employees, office clerical employees, managerial employees, and supervisors as defined by the Act.

TIME AND PLACE OF ELECTION

The election will be conducted by U.S. Mail for all eligible voters, under the direction and supervision of the Regional Director. The ballots will be mailed from the Regional Office on **June 4, 2007**, and must be received back in this Regional Office of the National Labor Relations Board by no later than 5:00 p.m on **June 18, 2007**.

If you believe that you are an eligible voter and do not receive a ballot in the mail by **June 7, 2007**, communicate immediately with the Regional Director, 901 Market Street, Suite 400, San Francisco, California, (415) 356-5180.

The ballots will be commingled and counted at 10:00 a.m. on **June 19, 2007**, in the Regional Office, Courtroom A, 901 Market Street, Suite 400, San Francisco, California

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UNITED STATES OF AMERICA
National Labor Relations Board

FORM NLRB 51200 (US CONST.11-80)

OFFICIAL SECRET BALLOT

For certain employees of

COVENANT AVIATION SECURITY, LLC

Do you wish to withdraw the authority of your bargaining representative to require, under its agreement with the Employer, that employees make certain lawful payments to the Union in order to retain their jobs?

MARK AN "X" IN THE SQUARE OF YOUR CHOICE

YES	NO
☐	☐

DO NOT SIGN THIS BALLOT. Fold and drop in ballot box.
If you spoil this ballot return it to the Board Agent for a new one