



February 23, 2024

Jacquelyn L. Thompson  
Ford Harrison  
2000 M St. NW, Ste. 505  
Washington, DC 20036

**Re: Unlawful Interference with Breeze Organizing Campaign**

Ms. Thompson:

I am writing to bring to your attention unlawful and improper actions under the Railway Labor Act just as the Association of Flight Attendants-CWA, AFL-CIO (“AFA”) is engaged in an election campaign at Breeze Airways (“Breeze”) and the National Mediation Board (“Board”) has authorized an election. During an election campaign, a carrier is prohibited from influencing, interfering with, or coercing the employees’ selection of a bargaining representative.

Breeze recently issued a notice to flight attendants prohibiting them from talking about AFA while on the aircraft. This prohibition would extend to the time when flight attendants are simply sitting in the jump seat, eating, and otherwise not interacting with passengers. Such blanket prohibitions against discussing the union on company time and on company property are grounds for a finding that the carrier engaged in coercive communications with flight attendants, thereby interfering with their freedom of choice to select a bargaining representative. *See Mercy Air Serv.*, 29 NMB 55 (2001); *Piedmont Airlines*, 31 NMB No. 68 (2004). Additionally, Breeze does not prohibit flight attendants from discussing other topics while on the aircraft, indicating that Breeze is specifically targeting and discriminating against union discussions.

Additionally, inaccurate or misleading statements by a carrier regarding voting procedures may constitute a finding of election interference by the Board, regardless of whether the information is intentionally inaccurate. *See USAir*, 17 NMB 377, 421 (1990). Further, a carrier is required to maintain laboratory conditions to ensure the employees’ freedom of choice. Railway Labor Act, 45 U.S.C. § 152, Fourth; *Delta Air Lines*, 37 NMB 281 (2010).

We recently received reports indicating that Breeze flight attendants’ freedom of choice of a representative may have been impaired. Specifically, on February 13, 2024, just one month before the voting period is set to begin, Breeze’s CEO David Neeleman told flight attendants during a meeting that not voting in the election counts as an automatic yes vote for the union. This is categorically incorrect, as the Board’s procedures plainly provide that the result of an election is based on the number of votes cast. Board Representation Manual, Section 13.304-1 (“If an

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organization or individual receives a majority of votes cast, it will be certified as the representative.”).

We demand a cease and desist of this improper conduct and for Breeze to correct its statements to ensure that flight attendants’ freedom of choice and the laboratory conditions requirement are maintained.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burns", written in a cursive style.

Joe Burns  
AFA-CWA General Counsel

JB/KTL