



NATIONAL MEDIATION BOARD

WASHINGTON, D.C. 20572

(202) 692-5000

In the Matter of the
Application of the

TRANSPORT WORKERS UNION
OF AMERICA AND THE
INTERNATIONAL ASSOCIATION
OF MACHINISTS & AEROSPACE
WORKERS

alleging a representation dispute
pursuant to Section 2, Ninth, of
the Railway Labor Act, as
amended

involving employees of

AMERICAN AIRLINES, INC. / US
AIRWAYS, INC.

42 NMB No. 20

CASE NOS. R-7422;
R-7423 and R-7424

(FILE NO. CR-7131)

FINDINGS UPON
INVESTIGATION-
DETERMINATION OF
CERTIFICATION

May 19, 2015

This determination addresses the representation consequences of the applications jointly filed pursuant to the Railway Labor Act (RLA)¹ by the Transport Workers Union of America (TWU) and the International Association of Machinists and Aerospace Workers (IAM) as the Airline Mechanic and Related Employees Association TWU/IAM (TWU/IAM Mechanics Association), the Airline Fleet Service Employee Association TWU/IAM (TWU/IAM Fleet Association), and the Airline Stores Employee Association TWU/IAM (TWU/IAM Stores Association) for the Mechanics and Related Employees, Fleet Service Employees, and Stock and Stores Employees crafts or classes at American Airlines, Inc. (the New American).

The National Mediation Board's (Board or NMB) investigation establishes that TWU and IAM are the certified representatives of the respective crafts or

¹ 45 U.S.C. § 151, *et seq.*

classes at pre-merger American and pre-merger US Airways and each of the TWU/IAM Associations represents all of the employees in the crafts or classes at issue. Accordingly, based on its investigation and for the reasons discussed below, the NMB finds that the TWU/IAM Mechanics Association, the TWU/IAM Fleet Association, and the TWU/IAM Stores Association are the certified representatives of the Mechanics and Related Employees, Fleet Service Employees, and Stock and Stores Employees crafts or classes, respectively, at the New American.

PROCEDURAL BACKGROUND

On August 6, 2014, TWU and IAM jointly filed applications alleging a representation dispute involving the crafts or classes of Mechanics and Related Employees, Fleet Service Employees, and Stock and Stores Employees at the New American. TWU and IAM asserted that American Airlines, Inc. (American) and US Airways, Inc. (US Airways) constituted a single transportation system. The applications were designated NMB File No. CR-7131 and the Board assigned Maria-Kate Dowling to investigate.

On April 15, 2015, the Board found that American and US Airways operate as a single transportation system under the RLA for the Mechanics and Related Employees, the Fleet Service Employees, and the Stock and Stores Employees crafts or classes. *American Airlines/US Airways*, 42 NMB 35 (2015). Pursuant to the Board's Representation Manual (Manual) Section 19.6, this determination addresses the representation of those employees.

The Board's April 15, 2015 determination stated the following: "Any Intervenor has 30 days from the date of this determination to file an application supported by a showing of interest of at least 50% of the single transportation system in accordance with Manual Sections 19.601 and 19.603." No Intervenor filed an application in this case.

STATEMENT OF FACTS

The Mechanics and Related craft or class is represented by TWU at pre-merger American under the Board's certification in *American Airlines, Inc./TWA Airlines*, 29 NMB 293 (2002). At US Airways, the Mechanics and Related craft or class is represented by IAM under the Board's certification in *US Airways/America West Airlines*, 33 NMB 321 (2006). TWU was certified as the representative of the Fleet Service Employees craft or class at pre-merger American in NMB Case No. R-6873. *American Airlines, Inc./TWA Airlines*, 29 NMB 293 (2002). IAM was certified to represent the Fleet Service Employees craft or class at US Airways in NMB Case No. R-6248. *US Airways/America West Airlines*, 33 NMB 191 (2006). TWU represents the Stock and Stores

employees at pre-merger American under the Board's certification in NMB Case R-1477. *American Airlines, Inc./TWA Airlines*, 29 NMB 293 (2002). IAM is the certified representative of the Stock Clerks craft or class on US Airways pursuant to the Board's determination in NMB Case No. R-7100. *US Airways/America West Airlines*, 33 NMB 375 (2006).

Prior to filing the instant single carrier applications, TWU and IAM formed the TWU/IAM Mechanics Association, TWU/IAM Fleet Association, and the TWU/IAM Stores Association for the purposes of representing the Mechanics and Related, Fleet Service, and Stock and Stores employee groups at the New American. Each of the Association agreements indicates that both the TWU and the IAM had the authority under their applicable governing documents to enter into the joint labor organization agreement.

DISCUSSION

The RLA defines "representative" as "any person or persons, labor union, organization, or corporation designated either by a carrier or group of carriers or by their employees, to act for them." 45 U.S.C. § 151, Sixth. In *Dobbs International Services, Inc.*, 27 NMB 537 (2000), the Board rejected a contention that an application filed by a joint council formed by the International Brotherhood of Teamsters (IBT) and the Hotel Employees & Restaurant Employees (HERE) should be dismissed because the joint council was an "ad hoc organization" created specifically for filing the representation application and neither the IBT nor HERE individually had the necessary majority support on the carrier's system. IBT locals and HERE locals represented Dobbs kitchen, catering and related employees at airports and AMTRAK rail locations nationwide pursuant to voluntary recognitions or National Labor Relations Board (NLRB) certifications and collective bargaining agreements with Dobbs. The Board found not only that the joint council met the Act's definition of "representative," but also that "[u]nder the RLA, labor unions may coalesce into organizations and councils to represent employees as the IBT and HERE have done in this case." *Dobbs*, 27 NMB at 546.

Subsequently, the Board certified the joint council without an election. *Dobbs International Service, Inc.*, 28 NMB 7 (2000). The Board noted that following the formation of the IBT Locals and the HERE Locals into the joint council, the joint council represented 6,817 of 10,651 (64%) of the employees in question and that the joint council also submitted signed authorization cards from 1,537 of 2,240 unrepresented Dobbs employees. On this basis, Dobbs voluntarily recognized the joint council and Dobbs and the joint council entered into a collective bargaining agreement covering all the employees in the craft or class formerly represented by IBT and HERE separately. The Board noted that Dobbs and the joint council agreed to certification without an

election and found that, on the basis of the collective bargaining agreement, the dues authorizations and the authorization cards, the overall showing of support for the joint council was 93.5% (9,954 employees of a total of 10,651). For these reasons, the Board concluded that a majority of the craft or class had determined that the joint council should be their representative. *Dobbs*, 28 NMB at 10-11.

In the instant case, the TWU/IAM Associations were formed by the certified representatives of Mechanics and Related Employees, Fleet Service Employees, and Stock and Stores Employees crafts or classes at pre-merger American and pre-merger US Airways. The purpose of TWU/IAM Associations is to represent the employees in the respective crafts or classes to collectively bargain under the RLA and thus the Associations clearly fall within the definition of a representative under the Act. Further, on the basis of these certifications, the TWU/IAM Associations represent 100% of these crafts or classes at the New American. The Board has consistently extended an organization's certification to cover employees in the craft or class on the entire system when the numbers of employees on each part of the system are not comparable. *American Airlines/ US Airways*, 41 NMB 289 (2014)(Flight Deck Crewmembers); *see also American Airlines/US Airways*, 41 NMB 237 (2014) (Flight Attendants); *United Air Lines/Continental Airlines*, 38 NMB 249 (2011). In cases where an organization has certifications covering the crafts or classes at each pre-merger carrier, the Board has certified that organization as the representative of the combined craft or class at the merged carrier without an election. *See United Air Lines/Continental Airlines*, 39 NMB 171 (2011); *United Air Lines/Continental Airlines*, 39 NMB 167 (2011); *US Airways/America West Airlines*, 33 NMB 293 (2006); *Pennsylvania Airlines/Allegheny Commuter Airlines*, 19 NMB 362 (1992).

The TWU/IAM Associations that were formed by TWU and IAM represent all of the employees in these crafts or classes on the merged system and the New American has not objected to the certification of the TWU/IAM Associations. Therefore, TWU's and IAM's certifications are extended to cover the merged crafts or classes with the respective TWU/IAM Association as the certified representative and the TWU's and IAM's individual certifications are terminated.

CONCLUSION

The Board finds that the TWU/IAM Mechanics Association is the certified representative of the Mechanics and Related Employees craft or class at the New American and that certification hereinafter will be referred to as the certification in NMB Case No. R-7422. TWU's certification in NMB Case No. R-6872 and IAM's Certification in NMB Case No. R-4593 are extinguished. The

Board further finds that TWU/IAM Fleet Association is the certified representative of the Fleet Service Employees craft or class at the New American and that certification hereinafter will be referred to as the certification in NMB Case No. R-7423. TWU's certification in NMB Case No. R-6873 and IAM's Certification in NMB Case No. R-6248 are extinguished. Finally, the Board finds that the TWU/IAM Stores Association is the certified representative of the Stock and Stores Employee craft or class at the New American and that certification hereinafter will be referred to as the certification in NMB Case No. R-7424. TWU's certification in NMB Case No. R-1477 and IAM's certification in NMB Case No. R-7100 are extinguished. Accordingly, NMB Case Nos. R-7422, R-7423, and R-7424 are closed.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson
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