



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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30 NMB No. 17
December 2, 2002

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Re: NMB File No. R-6918
US Airways, Inc.

This determination addresses the November 5, 2002, Motion for Reconsideration filed by US Airways, Inc. (US Airways or Carrier). US Airways seeks reconsideration of the National Mediation Board's (Board) November 1, 2002, decision finding that Inflight Training Specialists constitute a separate craft or class on the Carrier. *US Airways, Inc.*, 30 NMB 54 (2002).

The International Association of Machinists & Aerospace Workers, AFL-CIO (IAM or Organization) filed its opposition to the Motion for Reconsideration on November 14, 2002. For the reasons discussed below, the Board finds that US Airways' motion fails to state sufficient grounds to grant the relief requested.

I.

CONTENTIONS

US Airways

US Airways argues that the Board should reconsider its ruling that Inflight Training Specialists constitute a separate craft or class, and dismiss the IAM's application. US Airways argues that the Board's decision in *US Airways, above*, cannot be reconciled with the Board's decision in *Comair, Inc.*, 28 NMB 251 (2001), where the Board dismissed an application to accrete Flight Attendant Instructors into the Flight Attendant craft or class.

US Airways also contends that the Board's recognition of a new craft or class is inconsistent with the Board's policy against fragmentation of crafts or classes.

Finally, US Airways argues that "the Board's decision to overrule *Petroleum Helicopters*, 27 NMB 283 (2000), thus permitting unfettered relitigation of any craft or class issue not decided by the Board itself, will encourage inefficient and burdensome appeals, and undercut the Board's goals of ensuring consistency and predictability in its representation decisions."

IAM

The IAM asserts that US Airways' Motion for Reconsideration is merely a reassertion of factual and legal arguments previously presented and should be denied. In addition, the IAM argues that US Airways' motion is insufficient to obtain relief.

II.

DISCUSSION

A. Motion for Reconsideration

The Board's Representation Manual (Manual) Section 11.0 states:

Any motions for Reconsideration of Board determinations must be received by the Chief of Staff within two (2) business days of the decision's date of issuance. An original and one (1) copy of the motion must be filed with the Chief of Staff. The motion must comply with the NMB's simultaneous service requirements of Manual Section 1.201. The motion must state the points of law or fact which the participant believes the NMB has overlooked or misapplied and the grounds for the relief sought. Absent a demonstration of material error of law or fact or circumstances in which the NMB's exercise of discretion to modify the decision is important to the public interest, the NMB will not grant the relief sought. The mere reassertion of factual and legal arguments previously presented to the NMB is insufficient to obtain relief.

The Board finds that US Airways has stated sufficient grounds to grant reconsideration.

B. Decision on Reconsideration

The Board only grants relief on Motions for Reconsideration in limited circumstances,

The Board recognizes the vital importance of the consistency and stability of the law as embodied in . . . NMB determinations Accordingly, the Board does not intend to reverse prior decisions on reconsideration except in the extraordinary circumstances where, in its view, the prior decision is fundamentally inconsistent with the proper execution of the NMB's responsibilities under the Railway Labor Act.

Virgin Atlantic Airways, 21 NMB 183, 186 (1994).

The Carrier argues that although the Board did not make a finding as to the proper craft or class for Flight Attendant Instructors in *Comair, above*, “the Board plainly made findings on what was not the proper craft or class” by dismissing the application without conducting an election (emphasis in original). In *Comair, above*, and *America West Airlines*, 16 NMB 224 (1989), the issue before the Board was the eligibility of Instructors in the Flight Attendant craft or class; not the proper craft or class for Flight Attendant Instructors. Therefore, the Board did not address the issue of the proper craft or class for the Flight Attendant Instructors.

In its motion, US Airways states that the Board's decision in *US Airways*, 30 NMB 54 (2002), is inconsistent with the Board's policy against fragmentation of crafts or classes. As noted in the Board's November 1, 2002, decision, the Board has recognized distinct classes of Instructors in several cases. See *U.S. Air*, 10 NMB 391(1983); *United Airlines*, 10 NMB 458(1983); *Delta Air Lines, Inc.*, 26 NMB 391 (1999); *Continental Airlines, Inc./Continental Express, Inc.*, 27 NMB 99 (1999).

The Carrier reasserts its argument that the Board should defer to the Investigator's ruling in NMB File No. CR-6679, that Inflight Training Specialists are part of the Office Clerical craft or class. US Airways argues that reconsideration is appropriate because the Board's decision to overrule *Petroleum Helicopters, above*, has a "destabilizing effect . . . on labor relations." As the Board stated in *US Airways, above*, the *Petroleum Helicopters* decision "although correct as to eligibility, was not consistent with long-standing Board policy regarding the binding nature of Investigator rulings. Investigator rulings are never binding on the Board Members." (emphasis in original).

CONCLUSION AND ORDER

The Board has reviewed US Airways' and the IAM's submissions. US Airways has failed to demonstrate a material error of law or fact or circumstances in which the Board's exercise of discretion to modify the decision is important to the public interests. The Carrier merely reasserts arguments made in previous submissions. Therefore, any relief upon reconsideration is denied.

Pursuant to Manual Section 12.1, the Carrier is hereby **ORDERED** to furnish, by December 6, 2002, alphabetized 1" X 2 5/8" peel-off labels bearing the names and current addresses of the employees on the List of Potential Eligible Voters.

The Carrier is also **ORDERED** to deliver to the Board's Office of Legal Affairs by **10 a.m., ET, December 6, 2002**, three copies of an alphabetized list of potential eligible voters (list) and a copy of the list on a diskette or CD in **MSWord Excel spreadsheet** format for the Board's use only. The spreadsheet list must include: a sequential number, the employee's last name, the employee's first name, the last four digits of the employee's Social Security Number, the job title and the duty station, for each employee. The list and labels will be used to conduct the election authorized in the Board's November 1, 2002, determination. A sample format of the spreadsheet list follows:

Sample Format of the Spreadsheet List Fields

Seq. #	Last Name	First Name	SSN4	Job Title	Duty Station
1	Able	John, Jr.	1234	Pilot	Chicago, IL
2	Baker	Mary A.	5678	Pilot	Tampa, FL
3	Charles	William J.	9101	First Officer	Detroit, MI

By direction of the NATIONAL MEDIATION BOARD.

Benetta M. Mansfield

Benetta M. Mansfield
Chief of Staff

Copies to:
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