



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the

**AIRLINE CUSTOMER SERVICE
EMPLOYEES ASSOCIATION, IBT-
CWA**

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

involving employees of

**US AIRWAYS/AMERICA WEST
AIRLINES**

33 NMB No. 31

CASE NO. R-7085

FINDINGS UPON
INVESTIGATION-
DETERMINATION OF
CERTIFICATION

April 20, 2006

This determination addresses the representation consequences of the application filed by the Airline Customer Service Employee Association, IBT-CWA (Association) for the craft or class of Passenger Service Employees, employees of US Airways.

The Board finds that the Association is the certified representative of the entire craft or class of Passenger Service Employees in the single transportation system (R-7085). The Board extinguishes the certifications held by CWA for this craft or class on East (R-6435) and by the IBT on West (R-7011).

PROCEDURAL BACKGROUND

On February 3, 2006, the Association filed an application alleging a representation dispute involving US Airways Passenger Service Employees. The Association asserted that US Airways, Inc. (East), and America West Airlines, Inc. (West) (collectively the Carriers) are operating as a single

transportation system known as US Airways (US Airways). The application was assigned NMB File No. CR-6893.

On April 4, 2006, the Board determined that East and West operate as a single transportation system for representation purposes for the craft or class of Passenger Service Employees. *US Airways/America West Airlines*, 33 NMB 151 (2006). Pursuant to the Board's Representation Manual (Manual) Section 19.6, this investigation addresses the representation of the proper craft or class.

The Board's April 4, 2006, determination stated that "[a]ny Intervenor has 14 days from the date of this determination to file an application supported by a showing of interest by a majority of the craft or class of the single transportation system in accordance with Manual Sections 19.601 - 19.603."

STATEMENTS OF FACT

The Association represents Passenger Service Employees on East and at West.* No organization or individual filed to intervene within the 14 days following the Board's determination that East and West constitute a single transportation system for the Passenger Service Employees craft or class.

DISCUSSION

The Board's broad discretion to determine the manner in which it conducts investigations in representation disputes was upheld conclusively in *Brotherhood of Railway Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965).

* The Passenger Service Employees at East were represented by the Communications Workers of America (CWA) (NMB Case No. R-6435). The Passenger Service Employees at West were represented by the International Brotherhood of Teamsters (IBT) (NMB Case No. R-7011). The Board transferred the IBT's and the CWA's individual certifications to the Association in its April 4, 2006 determination. *Id.*

The Court held that in determining choice of employee representative, the Railway Labor Act “leaves the details to the broad discretion of the Board with only the caveat that it ‘insure’ freedom from carrier interference.” *Id.* at 668-69.

In the present case, the Association represents the entire craft or class of Passenger Service Employees on the combined system. However, this representation is under two separate certifications R-6435 and R-7011. Since no application to intervene was filed with the Board during the appropriate time period, the Board now extinguishes the certifications in R-6435 and R-7011 and certifies the Association as the certified representative of the craft or class of Passenger Service Employees at US Airways. This certification may be referred to as NMB Case No. R-7085.

CONCLUSION

The Board certifies that the Association is duly designated and authorized to represent for purposes of the Railway Labor Act, as amended, the craft or class of Passenger Service Employees, employees of US Airways, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.



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