



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the

OFFICE AND PROFESSIONAL
EMPLOYEES INTERNATIONAL
UNION, AFL-CIO

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

involving employees of
AIR METHODS CORPORATION

35 NMB No. 28

CASE NO. R-7146

FINDINGS UPON
INVESTIGATION-
DETERMINATION OF
CERTIFICATION

March 4, 2008

This determination addresses the representation consequences of the application filed by the Office and Professional Employees International Union, AFL-CIO (OPEIU) for the craft or class of Flight Deck Crew Members, who are employees of Air Methods Corporation (Air Methods or Carrier).

The Board finds that the appropriate craft or class in this case is Flight Deck Crew Members and, therefore, extends OPEIU's certification issued in NMB Case No. R-6949 to include all of the Flight Deck Crew Members in the Air Methods Corporation system.

PROCEDURAL BACKGROUND

On November 1, 2007, OPEIU filed an application alleging a representation dispute involving the Flight Deck Crew Member employees of Air Methods. This application was assigned NMB File No. CR-6925, and Maria-Kate Dowling was assigned to investigate. Also on November 1, 2007, the Board requested that the Carrier provide information on whether Air Methods and CJ Systems were operating as a single transportation system. The Carrier filed its response on November 14, 2007 and supplemented its response on

December 7, 2007. OPEIU did not dispute that Air Methods and CJ Systems are a single transportation system.

On January 23, 2008, the Board determined that Air Methods Corporation and CJ Systems operate as a single transportation system for representation purposes and docketed OPEIU's application for Flight Deck Crew Members as NMB Case No. R-7146. *Air Methods/CJ Systems*, 35 NMB 59 (2008). 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 January 23, 2008 determination stated that "OPEIU and any other interested organizations have 14 days from the date of this determination to file an application supported by a showing of interest of at least 35 percent of the single transportation system or to supplement the showing of interest in accordance with Manual Sections 19.601-19.603."

On February 6, 2008, OPEIU submitted proof of representation of approximately 69 percent of the system in the form of a copy of the existing collective-bargaining agreement (CBA) between Air Methods Corporation and OPEIU Local 109 covering the Flight Deck Crew Members craft or class. No other organization submitted a showing of interest. On February 11, 2008, Air Methods submitted a letter stating that it opposes the extension of the current certification because, in its view, OPEIU will not fairly represent the Pilots who previously worked for CJ Systems.

DISCUSSION

Once the Board determines that a single transportation system exists, it examines the potential representation issues. 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. For example, in *Continental Airlines/Continental Express*, 20 NMB 582 (1993), the Board extended the certification of an incumbent which represented 6,994 Flight Attendants to include 423 unrepresented Flight Attendants. Similarly, in *Continental Airlines/Continental Express*, 20 NMB 580 (1993), the Board extended the certification of an incumbent which represented 65 Flight Dispatchers to cover 26 unrepresented Flight Dispatchers. See also *American Airlines, Inc./TWA Airlines, LLC.*, 29 NMB 260 (2002); *SAHSA/TAN*, 19 NMB 17 (1991); *Air Wisconsin, Inc./Aspen Airways, Inc.*, 18 NMB 336 (1991); *Alaska Airlines, Inc./Jet America, Inc.*, 15 NMB 42 (1987).

The Board's investigation establishes that there are approximately 720 Flight Deck Crew Members on the former Air Methods portion of the system and approximately 326 Flight Deck Crew Members on the former CJ Systems. As the numbers of Flight Deck Crew Members on Air Methods and the former CJ Systems are not comparable, the Board hereby extends OPEIU's certification in R-6949 to cover the craft or class of Flight Deck Crew Members, who are employees of Air Methods Corporation.

CONCLUSION

The Board finds that OPEIU is the certified representative of the entire craft or class of Flight Deck Crew Members in the single transportation system. OPEIU's certification in NMB Case No. R-6949 is extended to cover the entire craft or class of Flight Deck Crew Members on the combined Air Methods Corporation system. Accordingly, NMB Case No. R-7146 is closed.

By direction of the NATIONAL MEDIATION BOARD.



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