



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

DELTA AIRLINES,
INC./NORTHWEST AIRLINES,
INC.

Flight Deck Crewmembers

36 NMB No. 21

CASE NO. R-7191

CERTIFICATION

January 22, 2009

This determination addresses the application filed by the Air Line Pilots Association (ALPA or Organization) seeking to represent the craft or class of Flight Deck Crewmembers employees of Delta Airlines (Delta or Carrier). For the reasons discussed below, the National Mediation Board (NMB or Board) certifies ALPA to represent, for purposes of the Railway Labor Act (RLA)*, as amended, the craft or class of Flight Deck Crewmembers.

Procedural Background

On October 31, 2008, pursuant to Section 19.3 of the Board's Representation Manual (Manual), Delta filed a notice informing the Board that on October 29, 2008, Delta had "concluded the previously announced transaction for the purchase of all of the equity interests of Northwest Airlines Corporation of which . . . [Northwest Airlines] is a wholly owned subsidiary." Subsequently, on November 4, 2008, ALPA filed an application alleging a representation dispute among employees in the Flight Deck Crewmembers craft or class and asserting that Delta and Northwest Airlines (Northwest) constitute a single transportation system for representation purposes under the RLA. On January 7, 2009, the Board issued its decision finding, *inter alia*, that Delta and Northwest are operating as a single transportation system for representation purposes under the RLA with regard to ALPA's application. 36 NMB 36. Accordingly, the Board converted ALPA's application in File No. CR-

* 45 U.S.C. § 151, *et seq.*

6950 to NMB Case No. R-7191 and assigned Maria-Kate Dowling to investigate the representation of the craft or class of Flight Deck Crewmembers.

Issue

Who is the duly designated representative of the craft or class of Flight Deck Crewmembers at Delta?

Findings of Law

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. §§ 151-188. Accordingly, the Board finds as follows:

I.

Delta is a common carrier as defined in 45 U.S.C. § 181.

II.

ALPA is a labor organization as provided by 45 U.S.C. § 152, Ninth.

III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions, “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this chapter.”

IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and to designate who may participate as eligible voters in the event an election is required. In determining the choice of the majority of employees, the Board is “authorized to take a secret ballot of the employees involved, or to utilize any other appropriate method of ascertaining the names of their duly designated and authorized representatives . . . by the employees without interference, influence, or coercion exercised by the carrier.” (Emphasis added.)

Statement of Facts

Prior to the merger, ALPA had been voluntarily recognized as the representative of the Flight Deck Crewmembers at both Delta and Northwest. On November 20, 2009, ALPA requested certification based on the fact that it represents 100% of the Flight Deck Crewmember craft or class at the merged carrier, has negotiated a single Joint Collective Bargaining Agreement (“JCBA”) with Delta covering the craft or class at post-merger Delta, and has finalized a single seniority list consisting of the entire craft or class at the post-merger Delta. ALPA also stated its understanding that Delta “supports such certification.” By letter dated December 3, 2008, the Carrier confirmed that it “does not object to the certification of ALPA.”

Discussion

45 U.S.C. § 152, Ninth, authorizes the Board to investigate disputes arising among a carrier’s employees over representation and to certify the duly authorized representative of such employees. Further, Section 2, Ninth grants the Board the discretion to “utilize any . . . appropriate method of ascertaining the names of their duly designated and authorized representatives . . .” (Emphasis added.) The Board has exclusive jurisdiction over representation questions under the RLA. *Gen. Comm. of Adjustment of Bhd. of Locomotive Eng’rs for Mo.-Kan.-Tex. R.R. v. Mo.-Kan.-Tex. Ry. Co.*, 320 U.S. 323 (1943); *Switchmen’s Union of N. Am. v. Nat’l Mediation Brd.*, 320 U.S. 297 (1943). See also *Bhd. of Ry. and S.S. Clerks v. Ass’n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965).

In the instant case, the investigation establishes that ALPA is the choice of representative of the majority of Flight Deck Crewmembers at Delta. As discussed above, ALPA was voluntarily recognized as the representative of the Flight Deck Crewmembers at both pre-merger Delta and Northwest and has negotiated a JCBA and single integrated seniority list for the merged craft or class. Further, the Carrier has consented to the certification of ALPA as the representative of that craft or class.

Conclusion

NOW, THEREFORE, in accordance with Section 2, Ninth, of the RLA, as amended, and based upon its investigation pursuant thereto, the Board certifies that ALPA has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Flight Deck Crewmembers, employees of Delta, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

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

Mary L. Johnson
General Counsel

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