



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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In the Matter of the  
Application of the  
**INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, AIRLINE  
DIVISION**  
alleging a representation dispute  
pursuant to Section 2, Ninth, of  
the Railway Labor Act, as  
amended  
  
involving employees of  
**REPUBLIC AIRLINES**

37 NMB No. 34

CASE NO. R-7237

FINDINGS UPON  
INVESTIGATION –  
DETERMINATION OF  
CERTIFICATION

April 6, 2010

This determination addresses the representation consequences of the application filed by the International Brotherhood of Teamsters, Airline Division (IBT) for the craft or class of Flight Attendants, employees of Republic Airlines (Republic).

The Board extends IBT's certification in R-6225 to include all Flight Attendants in Republic's single transportation system.

PROCEDURAL BACKGROUND

On September 14, 2009, the IBT filed an application alleging a representation dispute involving the craft or class of Flight Attendants at Republic. IBT asserted that Chautauqua Airlines (Chautauqua), Shuttle America (Shuttle), Republic Airways (RA), and Midwest Airlines (Midwest) constitute a single transportation system. The application was assigned NMB File No. CR-6962.

The IBT currently represents the Flight Attendants at Chautauqua (R-6225). *Chautauqua Airlines, Inc.*, 21 NMB 99 (1994). All Chautauqua, Shuttle, and RA Flight Attendants are covered by one collective bargaining agreement (CBA) between the IBT and Republic, and are all subject to a single seniority list.

Midwest was acquired and merged into RA effective July 31, 2009, with all operations extinguished as of November 3, 2009. Midwest was dissolved and its aircraft operations were replaced with the assets of RA; the new entity is operated as Republic Airlines d/b/a Midwest (MWA). *Chautauqua Airlines*, 37 NMB 148, 155 (2010). The Flight Attendants at Midwest are represented by the Association of Flight Attendants-CWA (AFA-CWA) (R-6657).

On March 11, 2010, the Board found that Republic's single transportation system included Chautauqua, Shuttle, and MWA for the craft or class of Flight Attendants. *Chautauqua Airlines*, 37 NMB 148, 149 (2010). Pursuant to the Board's Representation Manual (Manual) Section 19.6, this investigation addresses the representation of the Flight Attendants craft or class.

The Board's March 11, 2010, determination stated that an intervenor "has 14 calendar 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 and 19.603." *Id.* at 167.

#### STATEMENTS OF FACT

The IBT is the certified representative of the Flight Attendants at Chautauqua, NMB Case No. R-6225 (1994). The IBT represents the Flight Attendants at Shuttle and RA through a side letter and CBA. All Chautauqua, Shuttle, and RA Flight Attendants are on a single seniority list. *Chautauqua Airlines*, 37 NMB 148, 150-151.

The AFA-CWA is the certified representative of the Flight Attendants at Midwest, NMB Case No. R-6657 (2004). Midwest was acquired and merged into RA effective July 31, 2009, with all operations extinguished as of November 3, 2009. *Chautauqua Airlines, above*, at 155.

On March 23, 2010, Republic provided a List of Potential Eligible Voters (List) to the Board covering all Flight Attendants on the Republic system.<sup>1</sup> The total number of individuals on the List was 1972.<sup>2</sup> Out of the 1972 Flight Attendants on the Republic system, 1575 are currently represented by the IBT.

### DISCUSSION

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. See also *American Airlines, Inc., TWA Airlines, LLC*, 29 NMB 260 (2002); *American Airlines, Inc., TWA Airlines, LLC*, 29 NMB 278 (2002); *Continental Airlines/Continental Express*, 20 NMB 580 (1993); *SASHA/TAN*, 19 NMB 17 (1991).

The Board's examination of the record establishes that the numbers of IBT-represented Flight Attendants on Republic and AFA-CWA-represented Flight Attendants on Midwest are not comparable. The AFA-CWA has not filed an application supported by a showing of interest of at least 35 percent of the single transportation system or supplemented the showing of interest in accordance with Manual Section 19.601. Therefore, the IBT's certification in Case No. R-6225 is extended to cover the entire craft or class of Flight Attendants on the single transportation system. The AFA-CWA's certification in R-6657 is terminated.

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<sup>1</sup> On April 1, 2010, Republic submitted a letter to the Board stating: "In the event the Association of Flight Attendants-CWA does not have a sufficient showing of interest . . . and an election is not conducted, Republic Airlines would not object to the National Mediation Board extending the International Brotherhood of Teamsters' certification covering the flight attendants in the employ of Republic Airlines to include the Midwest Airlines Flight Attendants."

<sup>2</sup> Republic originally reported that there were 1976 Potential Eligible Voters on the List but four names were duplicated. On March 29, 2010, Republic reported that there were 1972 Potential Eligible Voters on the List.

CONCLUSION

The Board extends the IBT's certification in R-6225 to include all Flight Attendants in Republic's single transportation system. The Board extinguishes AFA-CWA's certification in R-6557. Accordingly, Case No. R-7237 is closed.

By direction of the NATIONAL MEDIATION BOARD.



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