



NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

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40 NMB No. 60

June 6, 2013

VIA EMAIL

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Re: NMB Case No. R-7362
US Airways/IBT/IAM

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Participants:

This determination addresses the June 3, 2013 submission by the International Association of Machinists and Aerospace Workers (IAM) to the National Mediation Board (NMB or Board) regarding the International Brotherhood of Teamsters' (IBT) application to represent Mechanics and Related Employees at US Airways (Carrier).

IBT also filed an application to represent Mechanics and Related Employees at American Airlines. The IAM noted that it and the Transport Workers Union of

America have announced the formation of the Airline Mechanic and Related Employee Association for the purpose of jointly representing Mechanics and Related Employees at the merged carrier. The IAM also noted that American Airlines is in bankruptcy proceedings and the Carrier's shareholders may approve a merger plan with American Airlines in upcoming months. While not making a specific request of the Board, the IAM requested "that the NMB consider the timing of the US Airways and American elections now requested by the IBT in light of the imminent merger of the two carriers." The IBT responded on June 6, 2013.

It is well established that in representation disputes, the Railway Labor Act (RLA)¹ deals with the present status and interests of the employees and not the potential future status of employees. *Chicago & North Western Ry. Co.*, 4 NMB 240, 249 (1965). As the Board has previously noted in *AirTran Airways*, 38 NMB 80, 81 (2011) and other cases, the RLA mandates that the Board resolves representation disputes "as expeditiously as possible."² There is no basis in statute or Board precedent to delay processing a representation dispute based on a potential merger. In keeping with its statutory mandate, the Board will not delay in processing the IBT's application and will proceed with the investigation in this matter.

By direction of the National Mediation Board.



Mary L. Johnson
General Counsel

1 45 U.S.C. § 151, *et seq.*

2 In *AirTran*, the carrier requested that the Board defer processing a representation application because it had entered into a merger agreement with Southwest Airlines. As the applicant in that case, the IAM made the opposite argument it makes here, specifically that Board precedent and the statutory obligation to expeditiously proceed with representation investigations did not allow the Board to defer processing an application in a representation dispute.