



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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In the Matter of the Application of the  INTERNATIONAL BROTHERHOOD OF TEAMSTERS  alleging a representation dispute pursuant to Section 2, Ninth, of the Railway Labor Act, as amended  involving employees of  UNITED AIR LINES	40 NMB No. 69  CASE NO. R-7363 (File No. CR-7081)  FINDINGS UPON INVESTIGATION- CERTIFICATION  August 6, 2013
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This determination addresses the application filed by the International Brotherhood of Teamsters (IBT or Organization) seeking to represent the craft or class of Mechanics and Related Employees at United Airlines (United or Carrier). For the reasons discussed below, the National Mediation Board (NMB or Board) certifies IBT to represent, for purposes of the Railway Labor Act (RLA), as amended, the craft or class of Mechanics and Related Employees.

PROCEDURAL BACKGROUND

On October 1, 2010, United notified the Board that an Agreement and Plan of Merger dated May 2, 2010 resulted in the merger of United Air Lines, Inc. and Continental Airlines. On September 13, 2012, IBT filed an application alleging a representation dispute involving the craft or class of Mechanics and Related Employees at pre-merger United Air Lines, Continental Airlines (Continental), and Continental Micronesia (CMI). The Board determined that the United was a single carrier for the craft or class on May 15, 2013. *United Air Lines/Continental Airlines*, 40 NMB 205 (2013). In that decision, the Board also determined that Flight Simulator Technicians are a separate craft or class at the merged Carrier and the representation consequences of that craft or class are being addressed in NMB Case No. R-7353. In addition, the Board

determined that Maintenance Controllers were properly part of the Mechanics and Related Employees craft or class even though they were not at pre-merger Continental. The Board converted IBT's application from CR-7081 to R-7363 for Mechanics and Related Employees and assigned Angela I. Heverling to investigate the representation consequences.

### ISSUE

Who is the duly designated representative of the craft or class of Mechanics and Related Employees at United?

### FINDINGS OF LAW

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

#### I.

United is a common carrier as defined in 45 U.S.C. § 181, First.

#### II.

IBT is a labor organization and/or representative as defined in 45 USC § 151, Sixth, and § 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 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 even 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.*"

### STATEMENT OF FACTS

IBT is the certified representative of the Mechanics and Related Employees crafts or classes at pre-merger United (R-7141), Continental (R-6513), and CMI (R-5083). As of October 26, 2012, there were 11,675 Mechanics and Related Employees at the Carrier. This number is an approximation.

### DISCUSSION

45 U.S.C. § 152, authorizes the Board to investigate disputes arising among a carrier's employees over representation and to certify the duly authorized representative of these employees. Section 2, Ninth grants the Board discretion to "*utilize any a . . . appropriate method of ascertaining the names of their duly designated and authorized representatives . . .*" 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).

The Board has previously determined that IBT is the certified representative of this craft or class at pre-merger United, Continental, and CMI. In cases where an organization has certifications covering the same craft or class at both carriers prior to a merger, the Board has certified the organization as the representative of the combined craft or class at the merged carrier. *See, e.g. United Air Lines*, 39 NMB 167, 169 (2011); *US Airways/America West*, 33 NMB 293, 294-95 (2006); *Pennsylvania Airlines/Allegheny Commuter Airlines*, 19 NMB 362, 370 (1992).

### CONCLUSION

NOW, THEREFORE, in accordance with Section 2, Ninth, of the RLA, as amended, and based upon its investigations, the Board certifies that IBT has been duly designated and authorized to represent the craft or class of Mechanics and Related Employees, employees of United, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in black ink that reads "Mary L. Johnson". The signature is written in a cursive style with a large initial 'M' and a distinct 'L'.

Mary L. Johnson  
General Counsel