



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the Application of the	41 NMB No. 61
SOUTHWEST AIRLINE PILOTS ASSOCIATION	CASE NO. R-7403 (File No. CR-7125)
alleging a representation dispute pursuant to Section 2, Ninth, of the Railway Labor Act, as amended	FINDINGS UPON INVESTIGATION- DETERMINATION OF CERTIFICATION
involving employees of	September 30, 2014
SOUTHWEST AIRLINES	

This determination addresses the representation consequences of the application filed by the Southwest Airline Pilots Association (SWAPA) for the Pilots craft or class at Southwest Airlines (Southwest or Carrier). The National Mediation Board (Board or NMB) certifies SWAPA to represent, for purposes of the Railway Labor Act (RLA),¹ the Pilots craft or class in Southwest's single transportation system.

PROCEDURAL BACKGROUND

On June 3, 2014, SWAPA filed an application alleging a representation dispute involving the craft or class of Pilots at Southwest. SWAPA asserted that Southwest and AirTran Airways (AirTran) constituted a single transportation system. The Board assigned the application NMB File No. CR-7125 and assigned Angela I. Heverling to investigate.

On August 5, 2014, the Board found that Southwest and AirTran operate as a single transportation system under the RLA for the Pilots craft or class.

¹ 45 U.S.C. § 151, *et seq.*

Southwest Airlines/AirTran Airways, 41 NMB 164 (2014). Pursuant to the Board's Representation Manual (Manual) Section 19.6, this determination addresses the representation of those employees.

The Board's August 5, 2014 determination stated the following: "Any incumbent or intervenor has 30 days from the date of this determination to file an application supported by the requisite 50 percent showing of interest of the single transportation system." No incumbent or intervenor filed an application in this case.

STATEMENT OF FACTS

The Pilots craft or class at Southwest is represented by SWAPA pursuant to voluntary recognition. Pilots at AirTran are represented by the Air Line Pilots Association (ALPA) under the Board's certifications in NMB Case Nos. R-6515 and R-6643. At the time of the single carrier determination, SWAPA represented 7,143 pilots on pre-merger Southwest, while ALPA represented 764 pilots on pre-merger AirTran.

In April of 2011, both Carriers and both Organizations entered into a Seniority Integration Process Agreement, in accordance with the provisions of the McCaskill-Bond Act. It was ratified by both pilot groups. "Side Letter 10," dated September 22, 2011, provided for the transition of all AirTran pilots to Southwest and coverage under the SWAPA collective bargaining agreement and included the final Master Pilot Seniority Integration List. SWAPA provided the Board with an integrated seniority list.

A September 5, 2014 submission by Southwest stated that "Southwest Airlines does not object to the certification of SWAPA as the representative of the craft or class of pilots without an NMB conducted election." It additionally provided that "Southwest Airlines has no reason to question the majority status of SWAPA as the representative of the combined craft or class."

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).

Where the number of employees represented by two organizations at merged carriers are not comparable, the Board has extended an organization's certification while terminating another organization's certification following a single carrier determination. *See, e.g., American Airlines, Inc./US Airways*, 41 NMB 237 (2014) (extending APFA's certification as representative of the Flight Attendants craft or class at American Airlines while terminating AFA's certification of the same craft or class at US Airways after the carriers merged). Further, the Board has certified an organization with a long history of voluntary recognition where the carrier has consented to the certification following a single carrier determination. *See Delta Airlines, Inc./Northwest Airlines, Inc.*, 36 NMB 64 (2009) (certifying ALPA as the representative of the craft or class of Pilots at Delta when it had been voluntarily recognized at both pre-merger carriers).

The numbers of SWAPA-represented Pilots at pre-merger Southwest and the number of ALPA-represented Pilots at pre-merger AirTran are not comparable. ALPA has not filed an application supported by the requisite showing of interest. Both groups of employees have agreed to be represented by SWAPA, and Southwest does not object to the Board certifying SWAPA as the representative of the Pilots craft or class at the merged carrier without an election. Therefore, the Board will certify SWAPA as the representative of the entire post-merger Pilots craft or class, and ALPA's certification is terminated.

CONCLUSION

The Board finds that SWAPA is the certified representative of the Pilots craft or class in the single transportation system (R-7403). The Board extinguishes ALPA's certifications issued in NMB Case Nos. R-6515 and R-6643. Accordingly, NMB Case No. R-7403 is closed.

By direction of the NATIONAL MEDIATION BOARD.



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