



**NATIONAL MEDIATION BOARD**  
WASHINGTON, D.C. 20572

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In the Matter of the  
Application of the

TRANSPORT WORKERS UNION  
AND ASSOCIATION OF FLIGHT  
ATTENDANTS

alleging a representation dispute  
pursuant to Section 2, Ninth, of  
the Railway Labor Act, as  
amended

involving employees of  
SOUTHWEST AIRLINES

43 NMB No. 30

CASE NO. R-7457

FINDINGS UPON  
INVESTIGATION-  
DETERMINATION OF  
CERTIFICATION

June 28, 2016

This determination addresses the representation consequences of the application filed by the Transport Workers Union of America, AFL-CIO (TWU) and the Association of Flight Attendants-CWA, AFL-CIO (AFA) for the Flight Attendants craft or class at Southwest Airlines (Southwest or Carrier). The National Mediation Board (Board or NMB) certifies TWU to represent, for purposes of the Railway Labor Act (RLA),<sup>1</sup> the Flight Attendants craft or class in Southwest's single transportation system.

PROCEDURAL BACKGROUND

On April 20, 2016, TWU and AFA jointly filed an application alleging a representation dispute involving the craft or class of Flight Attendants at Southwest. Both organizations asserted that Southwest and AirTran Airways (AirTran) constituted a single transportation system. The Board assigned the

<sup>1</sup> 45 U.S.C. § 151, *et seq.*

application NMB File No. CR-7150 and assigned Angela I. Heverling to investigate.

On May 17, 2016, the Board found that Southwest and AirTran operate as a single transportation system under the RLA for the Flight Attendants craft or class. *Southwest Airlines/AirTran Airways*, 43 NMB 120 (2016). That determination stated the following: “Any incumbent or intervenor has 30 days from the date of this determination to file an application supported by a requisite showing of interest of the single transportation system.” No incumbent or intervenor filed an application in this case. Pursuant to the Board’s Representation Manual (Manual) Section 19.6, this determination addresses the representation of those employees.

#### STATEMENT OF FACTS

The Flight Attendant craft or class at the former Southwest is represented by TWU pursuant to certification by the National Labor Relations Board (NLRB) in Case No. 16-RC-6826 in 1975. Flight Attendants at the former AirTran are represented by the AFA under the Board’s certifications in NMB Case No. R-6359. *AirTran*, 25 NMB 429 (1998).

In December of 2011, both Carriers and both Organizations entered into a Seniority Integration and Transition Agreement that was subsequently ratified by both groups of flight attendants. According to the provisions of that agreement, the flight attendants are covered by the collective bargaining agreement between Southwest and TWU. TWU provided the Board with an integrated seniority list. At the time of the merger, there were 9,691 flight attendants at Southwest and 2,257 at AirTran. The Carrier reported that the current application covered 14,074 employees with 14,070 of them being Southwest employees represented by TWU.

Neither the Carrier nor AFA has objected to the certification of TWU as the representative of the craft or class. A May 11, 2016 submission by the AFA stated that it will not “seek to be certified as the bargaining representative for the post-merger craft or class of Flight Attendants at Southwest Airlines.”

#### 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.” The Board has exclusive jurisdiction over representation questions under the RLA. *Gen.Comm. of Adjustment of Bhd. of Locomotive Eng'rs for Missouri-Kansas-Texas R.R. v. Missouri-Kansas-Texas Ry. Co.*, 320 U.S. 323 (1943); *Switchmen's Union of N.Am.v. Nat'l Mediation Bd.*, 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 numbers of employees represented by two organizations at merged carriers are not comparable, the Board has extended one organization's certification while terminating the other 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). The Board has also certified an organization as the representative where the numbers were not comparable and the organization represented a majority of employees through voluntary recognition. See *Southwest Airlines*, 41 NMB 297 (2014).

The TWU has represented the flight attendants at Southwest through an NLRB certification. This does not prevent the Board from certifying TWU as the representative of the employees at issue. The Board has in the past considered NLRB certifications as a basis for certifying a representative without an election. See *Dobbs Int'l Serv., Inc.*, 28 NMB 7 (2000). In *Dobbs*, the issue was whether the Board would certify a joint council formed by two organizations who represented employees on the system through NLRB certifications and voluntary recognitions. *Id.* at 9. The Board certified the council recognizing that “an established collective bargaining relationship exists between Dobbs and the Council.” *Id.* at 10.

There is no reason for the Board to deviate from its usual standard of certifying an organization representing the majority of employees when the numbers of represented employees are not comparable. TWU has been the certified representative since 1975 and virtually all flight attendants at the merged carrier are covered by the collective bargaining agreement between Southwest and TWU under the terms of the Seniority Integration and Transition Agreement. Both groups of employees have agreed to be represented

by TWU, and AFA and Southwest have not objected to the Board certifying TWU without an election. Therefore, the Board will certify TWU as the representative of the entire post-merger Flight Attendants craft or class, and AFA's certification is terminated.

CONCLUSION

The Board finds that TWU is the certified representative of the Flight Attendants craft or class in the single transportation system (R-7457). The Board extinguishes AFA's certification issued in NMB Case No. R-6359. Accordingly, Case R-7457 is closed.

By direction of the NATIONAL MEDIATION BOARD.



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