



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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In the Matter of the  
Application of the

INTERNATIONAL ASSOCIATION  
OF MACHINISTS AND  
AEROSPACE WORKERS

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

involving employees of

UNITED AIR LINES

39 NMB No. 65

CASE NO. R-7334

FINDINGS UPON  
INVESTIGATION-  
CERTIFICATION

September 17, 2012

This determination addresses the application filed by the International Association of Machinists and Aerospace Workers (IAM or Organization) seeking to represent the craft or class of Fleet Technical Instructors (Ground Instructors) at United Air Lines (United). For the reasons discussed below, the National Mediation Board (NMB or Board) certifies IAM to represent, for purposes of the Railway Labor Act (RLA or Act), as amended, the craft or class of Fleet Technical Instructors (Ground Instructors).

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 and Continental Airlines (Continental) (collectively the Carriers). On July 26, 2011, the IAM filed an application alleging a representation dispute involving the craft or class of Fleet Technical Instructors (Ground Instructors) at the Carriers, also

including Continental Micronesia, Inc. (CMI). The Board determined that United, Continental, and CMI were a single carrier for the craft or class of Fleet Technical Instructors (Ground Instructors) on August 22, 2012. *United Air Lines/Continental Airlines*, 39 NMB 491 (2012). In that decision, the Board converted IAM's application from CR-7021 to R-7334 and assigned Maria-Kate Dowling to investigate the representation consequences.

### ISSUE

Who is the duly designated representative of the craft or class of Fleet Technical Instructors (Ground Instructors) at United?

### FINDINGS OF LAW

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

#### I.

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

#### II.

IAM 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 event 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

The Fleet Technical Instructors (Ground Instructors) craft or class at both pre-merger United and pre-merger Continental are represented by IAM. IAM is the certified representative of the Ground Instructors craft or class at pre-merger United. *United Air Lines, Inc.*, 24 NMB 113 (1996). The position of Training Program Maintenance Coordinator was accreted to the craft or class in *United Air Lines, Inc.*, 25 NMB 90 (1998). Emergency Procedure Instructors were accreted in *United Air Lines, Inc.*, 27 NMB 165 (1999) and Staff Coordinator – Flight Training Development and Senior Staff Coordinator – Flight Training Development were accreted in *United Air Lines, Inc.*, 28 NMB 275 (2001). IAM is also the certified representative of Ground Instructors at pre-merger Continental. *Continental Airlines, Inc.*, 38 NMB 18 (2010). As of February 2012, there were approximately 185 Fleet Technical Instructors (Ground Instructors) at the Carriers. This number includes approximately 167 at pre-merger United and 18 at pre-merger Continental. There were no employees in the craft or class at CMI.

### 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 other 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 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).

The Board has previously determined that IAM is the certified representative of the craft or class of Fleet Technical Instructors (Ground Instructors) at pre-merger United and pre-merger Continental.

### CONCLUSION

NOW, THEREFORE, in accordance with Section 2, Ninth, of the RLA, as amended, and based upon its investigations, the Board certifies that IAM has been duly designated and authorized to represent the craft or class of Fleet

Technical Instructors (Ground Instructors), employees of United, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson  
General Counsel

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