



NATIONAL MEDIATION BOARD
WASHINGTON, D.C. 20572

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October 15, 2014

VIA EMAIL

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Re: NMB File No. CR-7130
American Airlines/Us Airways/NAAP/TWU

Participants:

On July 24, 2014, the National Association of Airline Professionals (NAAP) filed three applications requesting the National Mediation Board (NMB or Board) to investigate whether American Airlines, Inc. (American) and US Airways, Inc. (US Airways) were operating as a single transportation system for the crafts or classes of Simulator Technicians/Engineers, Flight Dispatchers, and Instructors. These applications were consolidated in File No. CR-7130. At the time these applications

were filed, Simulator Technicians/Engineers, Flight Dispatchers, and Instructors were represented by the Transport Workers Union of America, AFL-CIO (TWU) at both American and US Airways.

In its initial position statement, the TWU expressed concern about the authorization cards submitted by NAAP in support of its applications. "TWU submits that the NAAP applications are not proper vehicles for single carrier determinations ... due to serious improprieties ... with the solicitation of authorization cards such that the cards cannot satisfy the statutory showing of interest requirement sufficient to establish a dispute...." TWU submits that NAAP's applications are invalid as the authorization cards were tainted, and that the matter should be dismissed and subject to the one-year dismissal bar. The Carrier did not take a position on this issue.

In *Southwest Airlines*, 21 NMB 332 (1994), the Board dismissed an application before the authorization of an election where it found the authorization cards were tainted. The Board held that: "In cases involving the issue of whether employees' freedom of choice of a collective bargaining representative has been impaired, including the allegations raised in this case, the Board examines the totality of the circumstances as revealed through its investigation." *Id.* at 347; see also *Northern Air Cargo*, 29 NMB 1 (2001) (Board dismissed organization's application where authorization cards were tainted and applied one-year dismissal bar); *Virgin Atlantic Airways*, 24 NMB 575, 620-623 (1997) (Board dismissed organization's application and applied a one-year dismissal bar where it found authorization cards tainted when they were collected from employees at carrier-mandated meetings).

After reviewing the submissions from TWU and NAAP, I find that in order to determine whether laboratory conditions were tainted, further investigation is needed. The Investigator will be in contact with the participants to schedule interviews and an on-site investigation.

Sincerely,

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

Mary L. Johnson
General Counsel