



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the  
Application of the

SERVICE EMPLOYEES  
INTERNATIONAL UNION, AFL-CIO

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

involving employees of

HALO FLIGHT, INC.

30 NMB No. 44

CASE NOS. R-6941  
and R-6942  
(File No. CR-6777)

FINDINGS UPON  
INVESTIGATION-  
AUTHORIZATION OF  
ELECTIONS

May 6, 2003

This determination addresses the application of the Service Employees International Union (SEIU or Organization), alleging a representation dispute pursuant to the Railway Labor Act<sup>1</sup> (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among “Paramedics and Flight Dispatchers,”<sup>2</sup> employees of Halo Flight, Inc. (Halo or Carrier). At the time this application was received, these employees were not represented by any organization or individual.

For reasons set forth below, the National Mediation Board (Board) concludes that Paramedics and Flight Dispatchers do not constitute an appropriate craft or class, but are two separate crafts or classes.

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

<sup>2</sup> Although the SEIU applied to represent Flight Dispatchers, the Carrier refers to this group of employees as Communication Specialists.

PROCEDURAL HISTORY

On February 5, 2003, the SEIU filed an application alleging a representation dispute among Halo's Paramedics and Flight Dispatchers. The Board assigned Susanna F. Pequignot as the Investigator.

On February 18, 2003, Halo submitted an initial position statement. On February 20, 2003, the Investigator requested that the SEIU respond to the Carrier's position statement. The SEIU requested and received an extension until March 14, 2003, to file its response. After the March 14, 2003 deadline expired, the Investigator again requested that the SEIU respond to the Carrier's position statement. The SEIU did not file a response.

ISSUE

Do Paramedics and Flight Dispatchers constitute an appropriate craft or class?

CONTENTIONS

SEIU

The Organization did not file any submissions other than the application.

Halo

Halo asserts that Paramedics and Flight Dispatchers do not constitute an appropriate craft or class, therefore, the application should be dismissed.

FINDINGS OF LAW

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

I.

Halo is a common carrier by air as defined in 45 U.S.C. § 181.

II.

The SEIU is a labor organization and/or representative as provided by 45 U.S.C. § 151, Sixth.

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 shall designate who may participate as eligible voters in the event an election is required.

STATEMENT OF FACTS

I.

Halo is a non-profit corporation, headquartered in Corpus Christi, Texas, providing air ambulance services, as well as private charter services. Halo owns one helicopter and one fixed-wing aircraft. Halo's helicopter is used solely for air ambulance services and makes 35-40 flights per month. The fixed-wing aircraft makes 10-15 flights per month, half of which are for air ambulance services and the other half for private charters. Halo is authorized to fly to Mexico and the 48 contiguous states. Halo averages approximately five flights a year in which it crosses state lines or travels to Mexico as part of its air ambulance services.

Halo employs Paramedics to staff the air ambulance flights and to provide medical care for the patients being transported. The Paramedics work 24-hour shifts and do not perform any work for Halo unrelated to its air service operations. In addition, Paramedics must have a Texas Department of Health Paramedic Certification and are supervised by a medical crew supervisor. The entry level pay for Paramedics is \$27,000 per year.

Halo also employs Communication Specialists (Flight Dispatchers) who operate Halo's ground telecommunication equipment. These employees work 12-hour shifts and also perform general secretarial, clerical, receptionist and housekeeping duties in the office. Flight Dispatchers must have a high school diploma or its equivalent and are supervised by a communication specialist supervisor. The entry level pay is \$7.50 per hour.

II.

According to the position summary supplied by the Carrier, Halo's Paramedics:

- Transfer and sign off on medications at the beginning and end of each shift;
- Restock supplies including refilling oxygen cylinders on aircrafts and replacing low oxygen bottles on the oxygen cart;
- Clean the hangar area as well as the aircraft; and
- Develop, supervise and maintain procedures and controls involving daily operations.

In addition, Paramedics must have the following qualifications:

- Texas Department of Health Paramedic Certification; and
- Minimum two years experience on ground ambulance or training program approved by the Medical Director.

### III.

According to the position description supplied by the Carrier, Air Medical Communications Specialists (Flight Dispatchers) have the following duties:

- Communicate requests for air transport to appropriate personnel;
- Operate telecommunication equipment;
- Facilitate the appropriate utilization of air medical resources;

- Utilize various types of maps to process transport requests;
- Coordinate flight following for all Halo aircraft;
- Schedule and bid all charter flights and medical transfers;
- Relay patient reports to hospitals and schedule ground ambulances for patient transfer to hospital;
- Assist the financial department with billing and customer collections;
- Act as liaison for charter and medical flights;
- Perform general secretarial and housekeeping duties; and
- Greet and assist all visitor and clients entering the mail office facility.

In addition, Flight Dispatchers must have the following qualifications:

- High school diploma or equivalent;
- Two years as a radio communications operator preferred;
- Current knowledge of FCC regulations relating to EMS and aviation preferred;
- Working knowledge and practical application of telecommunication systems associated with air medical programs;

- Basic computer skills;
- Medical background or EMS dispatching experience preferred; and
- Competency in reading different types of maps and orientation of each.

### DISCUSSION

The Board makes craft or class determinations based on a work-related community of interest. *National Airlines, Inc.*, 27 NMB 550 (2000); *American Airlines, Inc.*, 26 NMB 106 (1998); *LSG Lufthansa Servs., Inc.*, 25 NMB 96 (1997). The Board makes its craft or class determinations on a carrier by carrier basis, in view of Board policy and precedent. *US Airways, Inc.*, 28 NMB 104 (2000); *USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988). In determining the proper craft or class for employees, the Board is guided by the Representation Manual (Manual) Section 9.1 which states:

In craft or class determinations, the Board considers many factors, including the composition and relative permanency of employee groupings along craft or class lines; the functions, duties, and responsibilities of the employees; the general nature of their work; and the extent of community interest existing between job classifications.

The Board examines the actual duties and responsibilities of employees, not merely job titles when determining whether there is a work-related community of interest. *National Airlines, above* at 555; *American Airlines, above* at 117.

Paramedics must be certified by the Texas Department of Health and provide medical care to patients being transported by air ambulance. Flight Dispatchers are required to have a high

school or equivalent degree and operate Halo's ground telecommunication equipment. Paramedics and Flight Dispatchers work different shift hours and are on different pay scales. The position descriptions establish that Paramedics and Flight Dispatchers do not share a work-related community of interest. The Board finds that the SEIU failed to provide evidence that Paramedics and Flight Dispatchers constitute a proper craft or class. The Board also finds that Paramedics and Flight Dispatchers are each proper separate crafts or classes.

#### CONCLUSION AND AUTHORIZATION OF ELECTION

The Board finds that the SEIU's application for Paramedics and Flight Dispatchers is not for a proper craft or class. The Board also finds that Paramedics and Flight Dispatchers constitute separate crafts or classes.

The Board finds disputes to exist among the Paramedics craft or class and the Flight Dispatchers craft or class. Therefore, the Board converts File No. CR-6777 to Case Nos. R-6941 and R-6942, and authorizes Telephone Electronic Voting (TEV) elections using a cut-off date of February 1, 2003. The Carrier must deliver to the Board's Office of Legal Affairs by 10 a.m. ET, May 13, 2003, three copies of an alphabetized list of potential eligible voters (list) for each craft or class and a copy of each list on a diskette or CD in MS Word Excel spreadsheet format for the Board's use only. Pursuant to Manual Section 12.1, the Carrier is hereby required to furnish, by May 13, 2003, alphabetized 1" x 2 <sup>5</sup>/<sub>8</sub>" peel-off labels bearing the names and current addresses of the employees on each List of Potential Eligible Voters. The Carrier must print the same sequence number from the List of Potential Eligible Voters beside each voter's name on the address label. The Carrier must use the most expeditious method possible, such as overnight mail, to ensure that the Board receives the labels within five calendar days. The spreadsheet list must include: a sequential number, the employee's last name, the employee's first name, the last four digits of the employee's Social



Security Number, the job title and the duty station, for each employee. A sample format of the spreadsheet list follows:

**Sample Format of the Spreadsheet List Fields**

<b>Seq. #</b>	<b>Last Name</b>	<b>First Name</b>	<b>SSN4</b>	<b>Job Title</b>	<b>Duty Station</b>
1	Able	John, Jr.	1234	Pilot	Chicago, IL
2	Baker	Mary A.	5678	Pilot	Tampa, FL
3	Charles	William J.	9101	First Officer	Detroit, MI

By direction of the NATIONAL MEDIATION BOARD.

*Benetta M. Mansfield*

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