



NATIONAL MEDIATION BOARD

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36 NMB No. 42

May 19, 2009

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Re: NMB File No. C-6955/Case Nos. R-6515 and R-6643
AirTran Airways

Participants:

This determination addresses the request from the Airline Pilots Association International (ALPA) and the National Pilots Association (NPA) (collectively the Organizations) to transfer the certifications in Case Nos. R-6515 and R-6643 from NPA to ALPA. See 26 NMB 86 (1998). For the reasons discussed below, the National Mediation Board (Board) grants the request and transfers NPA's certifications in R-6515 and R-6643 to ALPA.

BACKGROUND

NPA was certified to represent the Flight Deck Crew Members on AirTran Airways (Carrier) in Case Nos. R-6515 and R-6643 (1998). In a letter dated

April 30, 2009, ALPA and NPA notified the Board of the merger between NPA and ALPA effective May 1, 2009, and requested that the Board transfer NPA's certification to ALPA. The Board notified the Carrier of the NPA and ALPA request and gave the Carrier until May 15, 2009 to provide the Board with any comments. The Carrier did not submit any comments in this matter.

THE MERGER OF NPA AND ALPA

According to the letter from the Organizations and the accompanying documents, consistent with the Constitutions and By-laws, the governing bodies of both unions have approved a merger agreement. NPA conducted a secret ballot election among its members. BallotPoint Election Services¹ tallied the ballots on April 10, 2009, and reported the following results:

1484 Ballots Sent to Crewmembers
 1407 Ballots Cast
 1237 Votes for [the merger with ALPA]
 170 Votes Against

Following the ratification vote, NPA and ALPA signed the Merger Agreement on April 28, 2009. The merger of the two organizations became effective May 1, 2009.

DISCUSSION

The Railway Labor Act² requires only that the Board investigate a transfer of certification based on a union merger rather than mandating any procedures for such an investigation. *Continental Airlines, Inc., v. Nat'l Mediation Bd.*, 793 F. Supp. 330 (D.D.C. 1991), *aff'd mem.*, 957 F.2d 911 (D.C. Cir. 1992).

In most instances, the Board grants a transfer request based upon assertions contained in the request letters. *Capitol Cargo Int'l Airlines, Inc.*, 34 NMB 190 (2007); *St. Lawrence & Atlantic R.R., Inc.*, 32 NMB 49 (2004); *Consolidated Rail Corp.*, 28 NMB 30 (2000); *Big Sky Transp. Co.*, 25 NMB 376 (1998); *Desert Sun Airlines*, 24 NMB 137 (1997); *Northwest Airlines*, 18 NMB 446 (1991). The Board views an organization's decision to merge into another organization as an internal union matter and will grant requests for transfers of certification based on union mergers unless there is evidence of fraud or gross abuse in the merger or election. *Northwest Airlines, above*, at 448.

¹ BallotPoint Election Services is the contractor the Board uses for its elections; however, the internal election was not a Board election.

² 45 U.S.C. § 151, *et seq.*

There is no evidence of fraud or gross abuse in the merger or election process in this case. In accordance with its Constitution and By-laws, NPA members voted by secret ballot to merge with ALPA. Ballots were returned by approximately 94 percent of the eligible members and, of those voting, 87 percent voted in favor of the merger. Based on its investigation, the Board finds that NPA has merged with ALPA. The Board's records are revised to reflect the transfer of the certifications issued to NPA in NMB Case Nos. R-6515 and R-6643 to ALPA.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in black ink that reads "Mary L. Johnson". The signature is written in a cursive style with a large initial "M" and a long, sweeping underline.

Mary L. Johnson
General Counsel