



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the Application of the	39 NMB No. 2
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AIRLINE DIVISION	CASE NO. R-7302 (File No. CR-7014)
alleging a representation dispute pursuant to Section 2, Ninth, of the Railway Labor Act, as amended	FINDINGS UPON INVESTIGATION
involving employees of	October 12, 2011
REPUBLIC AIRLINES/SHUTTLE AMERICA/CHAUTAUQUA AIRLINES/ FRONTIER AIRLINES/THE FORMER LYNX AVIATION AND THE FORMER MIDWEST AIRLINES	

This determination addresses the application filed pursuant to the Railway Labor Act (RLA)¹ by the International Brotherhood of Teamsters, Airline Division (IBT). The IBT filed an application requesting the National Mediation Board (NMB or Board) to investigate a representation dispute involving the Flight Attendants of Republic Airlines (RA). Specifically, IBT requested that the Board extend its certification in R-7237 to cover the former Lynx Aviation (Lynx) Flight Attendants now working at RA. This application raised a single transportation system question; specifically whether RA, Shuttle America (Shuttle), Chautauqua Airlines (Chautauqua), and Frontier Airlines

¹ 45 U.S.C. §151, *et. seq.*

(Frontier) (collectively the Carriers) are operating as a single transportation system for the craft or class of Flight Attendants.

The current investigation establishes that RA, Shuttle, Chautauqua, and Frontier are operating as a single transportation system (Republic Airlines, et al./Frontier) for the craft or class of Flight Attendants, and further, that Midwest Airlines (Midwest) and Lynx Flight Attendants are included in the system.

PROCEDURAL BACKGROUND

On July 27, 2009, Republic notified the Board of the pending acquisition of Midwest and stated: “The parent company of Midwest will be merged into Republic, with Republic as the surviving entity. Midwest will thus become a subsidiary of Republic, along with its three other airline subsidiaries, Chautauqua Airlines, Republic Airlines, and Shuttle America. The projected date of closing for the transaction is July 31, 2009.”

On September 24, 2009, the Board received notice of the pending acquisition of Frontier and Lynx by Republic. The letter stated: “The parent company of Frontier and Lynx will be merged into Republic, with Republic as the surviving entity. Frontier and Lynx will thus become subsidiaries of Republic, along with its other airline subsidiaries, Chautauqua Airlines, Republic Airlines, Shuttle America, and Midwest. The projected closing date for the transaction is October 1, 2009.”

On February 7, 2011, Republic Airways Holdings (RAH) began the transition of the Lynx operation to RA. In its May 10, 2011 position statement RAH stated: “RAH has transferred all remaining Q400 aircraft from the Lynx certificate to the Republic certificate. The last Q400 revenue flight on the Lynx certificate occurred on March 19, 2011. Additionally, all Lynx Flight Attendants were transitioned to RA employment, with the last tranche of Flight Attendants commencing Republic training on March 22, 2011. As of this date, the transfer of aircraft and Flight Attendants is complete. These changes have effectively terminated the Lynx operation. No Flight Attendants remain in the service of Lynx, and no flying is performed under the Lynx operating certificate. Moreover, RAH does not intend to restart the Lynx operation in the future.”

On May 5, 2011, the IBT filed an application alleging a representation dispute involving the craft or class of Flight Attendants. The IBT represents the Flight Attendants at Chautauqua, Shuttle, RA, and the former Midwest.

Republic Airlines, 37 NMB 174 (2010) (R-7237). The Frontier Flight Attendants are represented by the Association of Flight Attendants-CWA (AFA). *Frontier Airlines*, 37 NMB 202 (2010) (R-7238). The Flight Attendants from the former Lynx are also represented by AFA. *Lynx Aviation, Inc.*, 36 NMB 58 (2009) (R-7180).

The application was assigned NMB File No. CR-7014. On May 6, 2011, the Board requested that the Carriers provide information regarding its operations and assigned Cristina A. Bonaca to investigate. On May 10, 2011, RAH filed its position statement. IBT filed its position statement on June 1, 2011, and AFA filed its position statement on June 2, 2011. The Investigator requested some additional information from RAH which was received July 1, 2011 and July 29, 2011. AFA filed a supplemental statement on July 11, 2011, and IBT filed a supplemental statement on July 15, 2011.

ISSUES

Are RA, Shuttle, Chautauqua, Frontier, the former Lynx, and the former Midwest operating as a single transportation system? If so, what are the representation consequences?

CONTENTIONS

RAH

Republic Airways Holdings, Inc. (RAH) is the holding company that owns RA, Chautauqua, Shuttle, and Frontier and operates both “fixed fee” and “branded” operations. Each subsidiary carrier has its own operating certificate.

RAH contends that substantial changes have occurred since the Board’s decision in *Chautauqua Airlines*, 37 NMB 148 (2010), where it declined to find Lynx Flight Attendants part of the single transportation system. RAH contends that because Lynx is no longer operational and the majority of its Flight Attendants² have been transitioned to employment with RA, Lynx Flight Attendants now must be considered part of the same craft or class as the RA Flight Attendants, and thus represented by the IBT. In conclusion, RAH believes that “the cessation of the former Lynx operation, the relocation of its

² Five of the former Lynx Flight Attendants were transitioned to Frontier. The other 42 were transitioned to RA and Chautauqua.

entire aircraft fleet to the Republic certificate, and the transfer of all Lynx Flight Attendants to the employ of Republic require a finding that Lynx flight attendants are part of the Republic flight attendant craft or class.”

IBT

The IBT does not believe this representation matter presents a single transportation system issue for the Board as: 1) Lynx is no longer an operational “carrier” within the meaning of the RLA; and 2) its assets were not combined with those of RA prior to the shutdown, as the operation of the Q400 aircraft at RA is less than half the size of the preacquisition Lynx operation.

Rather, the IBT seeks the Board to clarify the representational status of certain Lynx Flight Attendants who have been transferred to the employment of RA. The issue presented, according to the IBT, is the “expansion of the existing craft or class of Flight Attendants at Republic Airlines following the transfer of a small number of Lynx Flight Attendants to Republic employment.” IBT relies on a prior NMB determination, *Amtrak*, 13 NMB 412 (1986), where the Board added employees to an existing certification noting that craft or classes can “expand and shrink” subsequent to certification, and distinguishing this from the addition of new employees resulting from a merger. *Id.* at 418. As such, the IBT asks the Board to find that the former Lynx Flight Attendants now employed by RA are covered by the IBT’s existing certification in R-7237.

In its second submission, the IBT contends that there is no dispute that RAH exercises common control over the operations of its subsidiaries as evidenced by the Board’s recent decision involving the Pilot craft or class. *See Republic Airlines, et al./Frontier*, 38 NMB 138 (2011). IBT states that RAH’s response confirms that the labor relations among the Flight Attendants of all the RAH subsidiaries, including Frontier, are centralized under Ronald Henson. IBT notes that RA and Chautauqua fly shared routes with Frontier under code-share arrangements. Further, the fact that seniority integration between the subsidiaries has not yet commenced is not determinative. *See US Air/Shuttle Inc.*, 19 NMB 388, 420 (1992) (“the Board’s finding of a single transportation system is not dependent upon seniority integration.”).

In conclusion, IBT states that neither AFA nor RAH object to the IBT’s application and requests that the Board confirm that the former Flight Attendants of Lynx now working for RA come with the IBT’s certification in R-7237.

AFA

In its initial position statement, AFA wrote that it must defer to the NMB for its determination of whether the Lynx Flight Attendants are now part of the RA Flight Attendant craft or class. However, in a supplemental statement, AFA states that the Board's finding in *Chautauqua, et al.*, 37 NMB 148 (2010), namely that Frontier and Lynx are not part of the Republic single transportation system, should stand. AFA writes: "Significantly, there is clearly no intention on the part of Republic to merge the Frontier Flight Attendants into a single Republic Flight Attendant seniority list. Furthermore, AFA is continuing to negotiate a separate collective bargaining agreement for the Frontier Flight Attendants." Accordingly, AFA contends that Frontier is not part of the Republic single transportation system for purposes of Flight Attendant representation.

FINDINGS OF LAW

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. §§ 151-188. Accordingly, the Board finds as follows:

I.

Chautauqua, Shuttle, RA, and Frontier are common carriers as defined in 45 U.S.C. § 181. Prior to their shut-down, Midwest and Lynx were common carriers as defined in 45 U.S.C. § 181.

II.

IBT and AFA are labor organizations as provided by 45 U.S.C. § 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 the 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 FACTSA. Background and Corporate Transactions

RAH, based in Indianapolis, Indiana, is an airline holding company which offers scheduled passenger service through its subsidiary airlines, RA, Chautauqua, Shuttle, and Frontier—each of which has its own operating certificate. The acquisitions and corporate transactions involving RAH’s subsidiaries have been the result of a multi-step process.

On July 31, 2009, RAH acquired Midwest. On November 3, 2009, all Midwest aircraft were removed from service³ and Midwest ceased operations. Midwest surrendered its operating certificate and returned its designator code to the Department of Transportation. The designator code was reissued to RA, allowing RA to operate as RA d/b/a Midwest [MWA].

On March 11, 2010, the Board issued a decision finding MWA (Midwest d/b/a Republic Airlines) part of the single transportation system for the craft or class of Flight Attendants. *Chautauqua Airlines*, 37 NMB 148 (2010). Between November 3, 2009, and October 1, 2010, RAH conducted operations under the Midwest brand using RA and Chautauqua aircraft/crews with the Midwest livery. RAH has ceased selling services under the Midwest brand and is using Frontier exclusively for branded operations. *See also* April 13, 2010 RAH Press Release (“Republic Airways Announces Details of Brand Unification Plan for Frontier and Midwest Airlines.”). RAH has changed the livery on all RA aircraft previously used in the Midwest branded operation to reflect the

³ As discussed in detail in the next paragraph, between November 3, 2009, and October 1, 2010, RAH conducted operations under the Midwest brand using RA and Chautauqua aircraft/crews with the Midwest livery.

Frontier livery. Following the decision to discontinue the Midwest brand, RAH retained the “YX” designator code but ceased the use of the “d/b/a Midwest” designation. All Midwest aircraft removed from service in 2009 have been returned to Boeing.

Frontier and Lynx were acquired most recently, on October 1, 2009. As noted by RAH, Lynx is no longer operational as all of its remaining Q400 aircraft and most Lynx personnel have been moved to RA. The Board declined to find Lynx part of the Republic single system in *Chautauqua Airlines*, 37 NMB 148 (2010), for the craft or class of Flight Attendants. However, Lynx and Frontier were recently found to be part of the Republic single transportation system for the craft or class of Pilots, as significant operational integration had occurred in the time between the issuance of the decisions. *Republic Airlines, et al./Frontier*, 38 NMB 138, 157 (2011).

RAH’s subsidiaries engage in two types of operations: 1) a “fixed-fee” operation where passengers of RAH’s mainline partners (Delta, American, United, US Airways, and Continental) are transported under the partner’s brand, code, and livery using RAH’s aircraft and crews; and 2) a “branded” operation where RAH sells services directly to the public under its Frontier brand, code, and livery. Currently, Shuttle provides service exclusively in the “fixed-fee” operation. Frontier provides service exclusively for the “branded” operation. RA and Chautauqua operate in both “branded” and “fixed-fee” businesses. RAH’s subsidiaries are presented on a consolidated basis for both financial reporting and operating performance

Counsel for RAH confirmed that there are no Lynx Flight Attendants on furlough, as they have all been hired to work at other subsidiaries of the company. As of July 5, 2011, the following numbers of Flight Attendants were employed at each of the RAH subsidiaries:

Chautauqua (IBT) – 371

Frontier (AFA) – 1002 (including 5 former Lynx Flight Attendants, and 5 former Midwest Flight Attendants)

RA (IBT) – 874 (including 40 former Lynx Flight Attendants, and 31 former Midwest Flight Attendants)

Shuttle (IBT) – 646 (including 2 former Lynx Flight Attendants)

Former Midwest Airlines (IBT) – 366 Flight Attendants on furlough

B. Management

RAH states that management of RA, Shuttle, Chautauqua and Frontier is integrated. The same Board of Directors and senior management team oversee all of the Carriers. Bryan Bedford is the Chairman and CEO for all of the Carriers. He is also the President of RA, Shuttle, Chautauqua, and Frontier. Robert H. (Hal) Cooper is the Executive Vice President, CFO, Treasurer and Secretary and Wayne Heller is the Executive Vice President, COO for all the Carriers.

Since each carrier has its own operating certificate, each has appropriate personnel occupying the five mandatory Federal Aviation Administration (FAA) positions which report to appropriate RAH senior management. The mandatory positions include Directors of Operations, Safety, Quality Assurance, Maintenance, and Chief Pilot.

C. Labor Relations/Personnel Functions

Vice President of Labor Relations for RAH, Ron Henson, is in charge of labor relations for all the operating subsidiaries of RAH. Two labor relations managers report to Henson, one at the RAH level, and another for Frontier. None of the bargaining representatives of the Flight Attendants at the various RAH carriers have requested seniority integration at this time.

Employee job postings for all subsidiaries can be found in a central location on RAH's website at <http://www.rjet.com/employment.asp>. Prospective employees visiting the Frontier website to look for employment opportunities would click on the link "Work With Us," and then "View all Current Opportunities." The individual would then be redirected to RAH's career page at <http://www.rjet.com/employment.asp> where a list of all openings at all subsidiaries appears.

D. Marketing

RAH explains that Chautauqua, Shuttle, and RA will continue to exist in their current form and will be held out to the public and marketed under the brands of the applicable flying partner (Delta, American, US Airways, United, etc.) or the Frontier brand, as applicable. Frontier is held out to the public and marketed under the Frontier brand. RA and Chautauqua perform services for both the "fixed-fee" and "branded" Frontier operations.

Frontier has its own frequent flyer program. Passengers flying RA, Shuttle, and Chautauqua flights operated on behalf of RAH's mainline partners accrue frequent flyer miles under the specific mainline partner's program in accordance with its rules.

E. Routes and Schedules

Routes and schedules for the "fixed-fee" business are determined and published by the applicable mainline partner and are not combined. Routes and schedules for the "branded" operation are determined by RAH management and are combined under the Frontier brand and operated by Frontier, RA, and Chautauqua. Flight Attendants for Republic and Chautauqua may fly shared routes of Frontier to the extent that either of those subsidiaries, through air service agreements, operates as Frontier Express to provide regional lift for Frontier.

F. Uniforms

The Flight Attendants at Republic, Chautauqua, and Shuttle wear standardized uniforms appropriate to the applicable mainline partner they are flying. Frontier Flight Attendants have their own uniforms.

G. Equipment

Frontier's fleet of 53 Airbus aircraft are all painted with Frontier's livery. RA, Shuttle, and Chautauqua operate a fleet of over 200 Embraer regional jets (E-jets). Six of those E-jets are painted with the RA livery and are used interchangeably in the "fixed-fee" and "branded" business. Outside of those neutral E-jets, RA, Chautauqua, and Shuttle aircraft used in the "fixed-fee" operation have the livery of the applicable mainline partner for which they are being operated. RAH E-jets used in the "branded" operation will have the Frontier livery (except for the neutral aircraft with the RA paint scheme as described above).

At the time of the Frontier/Lynx acquisition, Lynx was operating 11 Q-400 aircraft. Five of those aircraft were leased and have been returned to the lessor. The remaining six Q-400s have been transferred to the RA operating certificate. All aircraft formerly used in the Midwest branded operation have been painted to reflect the Frontier livery.

H. Insignia and Logos

RA, Shuttle, and Chautauqua will retain their corporate insignia and logos and so will Frontier.

DISCUSSION

I.

Clarification of Representation Status

IBT argues that the facts presented do not give rise to a single transportation system analysis. Rather, in the IBT's view, the Board is presented with the expansion of an existing craft or class following the transfer of a small number of Lynx Flight Attendants to Republic employment. The IBT relies on *Amtrak*, 13 NMB 412 (1986) in support of its position. In *Amtrak*, the Board extended an existing certification to cover newly hired Passenger Firemen and Engine Attendant employees where Amtrak was expanding its operation by offering employment to individuals on the roster of railroads over whose lines Amtrak was operating. *Id.* at 415-416. The employees at issue became Amtrak employees one month after the BLE was certified as the bargaining representative of the Fireman and Hostler craft or class on Amtrak. *Id.* at 416. The Board extended the BLE's certification stating:

Implicit in the issuance of a carrier-wide certification is the understanding that subsequent to certification the craft or class could expand or shrink. Indeed, it would be contrary to one of the primary purposes of the Act, the promotion of labor-management stability, if representation elections among the new employees were conducted every time a carrier internally expanded. *Such internal expansion must, of course, be distinguished from a carrier's growth resulting from a merger where well established Board procedures govern.*

Id. at 417.

The italicized language above makes clear that a situation of internal expansion, like occurred in Amtrak, is to be distinguished from a merger situation like RAH's acquisition of Frontier, and the former Lynx and Midwest.

In the instant case, Lynx and Midwest were acquired by RAH and the Board recently found, for the Pilot craft or class, that it was operating its subsidiaries as a single transportation system. *Republic Airlines et al./Frontier*, 38 NMB 138, 157 (2011). A single transportation analysis properly applies to the facts presented in the IBT's application. See Board Representation Manual Section 19.

II.

The Board's Authority

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. The Board has exclusive jurisdiction over representation questions under the RLA. *General Comm. of Adjustment v. M.K.T. R.R. Co.*, 320 U.S. 323 (1943); *Switchmen's Union of N. Am. v. Nat'l Mediation Bd.*, 320 U.S. 297 (1943). In *Air Line Pilots Ass'n, Int'l v. Texas Int'l Airlines, Inc.*, 656 F.2d 16, 22 (2d Cir. 1981), the court stated, "[t]he NMB is empowered to . . . decide representation disputes arising out of corporate restructurings."

III.

Single Transportation System

The Board's Representation Manual (Manual) Section 19.4 provides that: "Any organization or individual may file an application, supported by evidence of representation or a showing of interest . . . seeking a NMB determination that a single transportation system exists." Manual Section 19.501 provides the factors for making a determination whether a single system of transportation exists.

In *Trans World Airlines/Ozark Airlines*, the Board cited the following indicia of a single transportation system:

[W]hether a combined schedule is published; how the carrier advertises its services; whether reservation systems are combined; whether tickets are issued on one carrier's stock; if signs, logos and other publicly visible indicia have been changed to indicate only one carrier's existence; whether personnel with public

contact were held out as employees of one carrier; and whether the process of repainting planes and other equipment, to eliminate indications of separate existence, has been progressed.

Other factors investigated by the Board seek to determine if the carriers have combined their operations from a managerial and labor relations perspective. Here the Board investigates whether labor relations and personnel functions are handled by one carrier; whether there are a common management, common corporate officers and interlocking Boards of Directors; whether there is a combined workforce; and whether separate identities are maintained for corporate and other purposes.

14 NMB 218, 236 (1987).

The Board finds a single transportation system only when there is substantial integration of operations, financial control, and labor and personnel functions. *Republic Airlines, et al./Frontier*, 38 NMB 138 (2011); *Northwest Airlines, Inc./Delta Air Lines, Inc.*, 37 NMB 88 (2009); *Florida N. R.R.*, 34 NMB 142 (2007); *GoJet Airlines, LLC and Trans States Airlines, Inc.*, 33 NMB 24 (2005). Further, the Board has noted that a substantial degree of overlapping ownership, senior management, and Boards of Directors is critical to finding a single transportation system. *Precision Valley Aviation, Inc., d/b/a Precision Airlines and Valley Flying Serv., Inc., d/b/a Northeast Express Reg'l Airlines*, 20 NMB 619 (1993). The Board's substantial integration of operations criteria does not, however, require total integration of operations. *Allegheny Airlines, Inc. and Piedmont Airlines, Inc.*, 32 NMB 21, 28 (2004).

All subsidiaries are wholly owned by RAH, but each holds its own FAA operating certificate. Management between the Carriers has already been integrated. The same Board of Directors and senior management team oversee all of the Carriers. Ron Henson is the Vice President, Labor Relations, for all the Carriers. This type of consolidation of senior managers, personnel functions and labor relations are often indicia of single transportation systems. See *Atlas Air, Inc./Polar Air Cargo Worldwide, Inc.*, 35 NMB 259, 269 (2008) (single system found in spite of separate operating certificates due in part to substantial overlap among Boards of Directors and senior managers).

All Flight Attendants at RA, Chautauqua, Shuttle, and the former Midwest are represented by the IBT. All Flight Attendants at Frontier are represented by the AFA. The former Lynx Flight Attendants now employed at the various RAH subsidiary carriers are represented by the AFA. None of the bargaining representatives of the Flight Attendants at the RAH carriers have requested seniority integration at this time. However, the Board has held that delaying a finding of a single transportation system until collective bargaining agreements (CBAs) were in place, if supported by other factors, is contrary to the RLA's purposes of promoting labor stability. See *Chautauqua Airlines*, 37 NMB 148, 165 (2010); *US Airways/America West Airlines*, 35 NMB 65, 78 (2008); *American Airlines, Inc./TWA Airlines, LLC*, 29 NMB 201, 212 (2002).

RAH exercises control over the management, labor relations, and human resources functions of all of its subsidiaries. Further, RAH holds out to the public that the Carriers are part of a consolidated entity as shown at its website, <http://www.rjet.com/>. While RAH's business model is one that includes both "fixed-fee" and "branded" operations, its operations are consolidated and "branded" operations are commonly-scheduled under the Frontier brand. For example, the route map available at Frontier and RAH's websites provides that: "Flights are operated by Frontier, Lynx, Republic Airways, or Chautauqua Airlines." In addition, RAH's subsidiaries are presented on a consolidated basis for both financial reporting and operating performance.

In *Flagship Airlines, Inc.*, 22 NMB 331 (1995), a case with facts very similar to those present here, the Board found a single transportation system to exist primarily because of the significant degree of "common control" exercised by Eagle over its subsidiaries. *Id.* at 426. Eagle wholly-owned and centrally controlled the four subsidiaries; there existed interlocking boards of directors, common corporate officers, and common management; the carriers held themselves out to the public as a single carrier, and flight schedules and reservations were integrated; and while most employee groups were represented by separate organizations/CBAs, Eagle handled most other labor relations issues for the carriers. *Id.* at 426-30. See also *USAir, Inc. and Shuttle, Inc. d/b/a USAir Shuttle*, 19 NMB 388 (1992) (single transportation system found where USAir did not own Shuttle but had a five year contract which gave extensive operational control over carriers management, labor relations, and marketing. There was no common Board or officers, but Shuttle's officers consulted with USAir on all management decisions. Flight crews were not integrated).

At Frontier, the “branded” portion of RAH’s operation, aircraft bear the Frontier livery and employees wear Frontier uniforms. While RAH’s “fixed fee” subsidiaries do not fly under a common livery or with common uniforms, this is typical of an operation which provides mainly code-share service. For instance, in *Freedom Airlines, Inc.*, 30 NMB 263 (2003), the Board examined whether Freedom was operating as part of Mesa Air Group (MAG). Freedom, Air Midwest, CC Air, and Mesa Airlines were all wholly owned subsidiaries of MAG. Each code-share partner advertised the services offered on its behalf by the MAG carriers, including reservations, schedules, tickets, and livery. *Id.* at 269-70. The Board found the four carriers a single system because there were numerous interlocking directors and officers, combined labor relations and management, and a unified public image. *Id.* at 275-76.

There are a number of prior Board determinations finding a single transportation system in the absence of a single FAA operating certificate. *See, e.g., Republic Airlines et al./Frontier*, 38 NMB 138 (2011). In *Atlas Air, Inc. and Polar Air Cargo Worldwide, Inc.*, 35 NMB 259, 269 (2008), the Board found a single transportation system even though the carriers had separate operating certificates and separate crews. Atlas and Polar did not combine their routes or schedules; and the carriers’ equipment did not have conformed markings, uniform insignia, or logos. *Id.* at 267. However, there was substantial overlap among the carrier’s boards of directors, labor relations and operations were centralized, employees were cross-utilized, and there were plans in place for an integrated seniority list and CBA. *Id.* at 269. *See also Continental Airlines/Continental Express*, 20 NMB 326 (1993) (Board found a single system as a result of common control, common ownership, shared common officers, centralized management and labor relations; in spite of the fact the carriers had separate FAA operating certificates); *Midway Airlines, Inc.*, 14 NMB 447 (1987) (two carriers which existed as separate corporate entities and operated under separate FAA operating certificates were nevertheless, based on their combined operations, found to be a single transportation system).

The Board finds that RAH exercises sufficient common control over its subsidiaries, Chautauqua, Shuttle, RA, and Frontier to form a single transportation system for representation purposes. Following the multi-step transaction that integrated Frontier, the former Lynx and the former Midwest, the Carriers all operate with individual operating certificates; however, the other factors support a single system finding. Management and Boards of Directors are overlapping, and RAH has total operational control over its subsidiaries’ operations. Employees are subject to the same operational policies and most labor relations policies (subject to differences until all

employee crafts or classes are subject to the same CBAs). Further, Chautauqua, Shuttle, RA, and Frontier are held out as a single carrier of affiliates on RAH's website and presented on a consolidated basis for both financial reporting and operational performance.

Based upon the application of the principles cited above to the facts established by the investigation, the Board finds that the Carriers are operating as a single transportation system (Republic Airlines, et al./Frontier) for the craft or class of Flight Attendants.

CONCLUSION

The Board finds that Chautauqua, Shuttle, RA, and Frontier are operating as a single transportation system (Republic Airlines, et al./Frontier) for the craft or class of Flight Attendants for representation purposes under the RLA. The former Lynx and Midwest Flight Attendants are included in the single transportation system.

Accordingly, the IBT's application in File No. CR-7014 is converted to NMB Case No. R-7302. Pursuant to Manual Section 19.6, the investigation will proceed to address the representation of this craft or class. Any Intervenor has 14 calendar days from the date of this determination to file an application supported by a showing of interest of at least 35 percent of the single transportation system or to supplement the showing of interest in accordance with Manual Sections 19.601 and 19.603. The participants are reminded that under Manual Section 19.7, existing certifications remain in effect until the Board issues a new certification or dismissal.

RAH is directed to provide an **alphabetized list of potential eligible voters** as a **Microsoft Excel file** as described below. The List should include Flight Attendants at Chautauqua Airlines, Shuttle America, Republic Airways, Frontier Airlines, as well as Flight Attendants from the former Lynx Aviation and the former Midwest Airlines.

RAH **must inform the Investigator of the date of the last day of its last payroll period prior to May 5, 2011** and the number of employees covered by this application. The list of potential eligible voters must contain **all individuals with an employee-employer relationship as of the last day of the last payroll period prior to May 5, 2011**. The list must be **alphabetized** on a system-wide basis. The Carrier must provide a copy of the list to the organization(s). RAH must provide **one set of signature samples for the**

eligible voters solely to the Investigator. The alphabetized signature samples must be in the same order as the names on the list of eligible voters. Until an applicable list and the signature samples are received by the Investigator, the Investigator will **continue to accept additional authorization cards.**

By direction of the NATIONAL MEDIATION BOARD.

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

Mary L. Johnson
General Counsel

Copies to:

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