



NATIONAL MEDIATION BOARD

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52 NMB No. 35
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RE: NMB Case No. R-7652 (NMB File No. CR-7255)
United Airlines, Inc. & International Brotherhood of Teamsters, Airline
Division

Participants:

This determination addresses the Motion for Reconsideration (Motion) filed by United Airlines, Inc. (Carrier or United) on March 21, 2025. United seeks reconsideration of the National Mediation Board's (NMB or Board) March 4, 2025 determination accreting "Assistant Manager-Aircraft Inspection, Outside Vendor" (A/C Inspectors) into the Mechanics and Related Employees craft or class currently represented by the International Brotherhood of Teamsters, Airline Division (IBT or Organization) at United. *See United Airlines*, 52 NMB 97 (2025).

For the reasons set forth below, United's Motion for Reconsideration is denied.

PROCEDURAL HISTORY

On September 6, 2024, the IBT filed an application alleging a representation dispute involving A/C Inspectors at United. The IBT requested that the Board accrete the employees to the Mechanics and Related Employees craft or class and supported its request with authorization cards. The IBT asserted in its initial position statement that A/C Inspectors are already covered by its Mechanics and Related Employees certification issued in *United Air Lines*, 40 NMB 253 (2013) (NMB Case No. R-7363). On October 7, 2024, the Carrier filed the List of Potential Eligible Voters (List) containing the names of 89 A/C Inspectors. In its November 4, 2024 initial position statement, United opposed the accretion arguing that A/C Inspectors are management officials excluded from the Railway Labor Act's (RLA) coverage and do not share a work-related community of interest with the Mechanics and Related Employees craft or class. On December 4, 2024, the IBT filed its response. The Carrier supplemented its position statement on January 23, 2025. The IBT filed a response on February 4, 2025.

The NMB issued its accretion determination in this case on March 4, 2025. The Board found that the A/C Inspectors are not management officials and thus not excluded from the RLA's coverage. The Board further found that A/C Inspectors share a work-related community of interest with other members of the Mechanics and Related Employees craft or class. The NMB concluded that A/C Inspectors are within the Mechanics and Related Employees craft or class already covered by the IBT's certification.

On March 21, 2025, United filed its Motion, contending that A/C Inspectors are management officials because the positions are defined as "Management Representatives" under its Collective Bargaining Agreement (CBA) with the IBT, exercise managerial authority, and assist in the formulation of carrier policy. Further, the Carrier argued that in its determination, the Board misconstrued the work performed by A/C Inspectors, and that the position does not share a work-related community of interest with the Mechanics and Related Employees craft or class.

DISCUSSION

The NMB Representation Manual (Manual) at Section 11.0 states:

Reconsideration may not be sought from the NMB's certification or dismissal. Any motions for reconsideration of Board determinations

must be received by the General Counsel within two (2) business days of the decision's date of issuance. . . . The motion must state the points of law or fact which the participant believes the NMB has overlooked or misapplied and the grounds for the relief sought. Absent a demonstration of material error of law or fact or circumstances in which the NMB's exercise of discretion to modify the decision is important to the public interest, the NMB will not grant the relief sought. The mere reassertion of factual and legal arguments previously presented to the NMB is insufficient to obtain relief.

The Board recognizes the vital importance of the consistency and stability of the law and grants relief on Motions for Reconsideration in limited circumstances where, in its view, the prior decision is fundamentally inconsistent with the proper execution of the NMB's responsibilities under the RLA. *See, e.g., North Memorial Health Care d/b/a Air Care*, 50 NMB 16, 17 (2022).

As a threshold matter, United submitted its Motion on March 21, 2025, more than two weeks past the deadline for filing such a motion under Section 11.0 of the Manual. The Carrier did not acknowledge the untimeliness of its submission or provide a justification for not filing it within the two-business day deadline. The Board therefore finds that United's Motion is untimely.

Even assuming, *arguendo*, the Carrier's Motion was timely filed, it does not present a material error of law or fact or circumstances in which the NMB's exercise of discretion to modify the decision is important to the public interest. In its March 4, 2025 determination, the Board considered the Carrier's argument that A/C Inspectors are management officials and found

that A/C Inspectors do not possess unqualified authority to hire, discharge and supervise employees, commit carrier funds or create carrier policy. . . . [Therefore, the] level of authority exercised by A/C Inspectors does not rise to the level of a management official under the RLA . . . and [they] are not excluded from the RLA's coverage.

United, above, at 105. The Carrier is now arguing in its Motion that A/C Inspectors are management officials because the positions are defined as "Management Representatives" under the CBA. This argument conflates the term "management representative" with the term "management official." The latter term has a specific meaning under NMB precedent; the former term does not.

The Board has the obligation under Section 2, Ninth of the RLA to determine eligibility and, therefore, who is a management or subordinate official under the Act. Citing *Railway Clerks v. Non-Contract Employees*, 380 U.S. 650 (1965), the Board noted in *Grand Trunk Western Railroad Company*, 19 NMB 226, 232 n.1 (1992), that NMB "determinations under Section 2, Ninth, of the

Act are plenary and based on the purposes and objectives of the Act, as interpreted by the Board, rather than on the isolated preferences of the participants.” In that same determination, the Board discussed the limits of collective bargaining structures on the NMB’s authority under the Act. *See id.* The agreement of the participants in collective bargaining cannot compel the Board to exclude a position from the RLA’s coverage.

All of the other arguments presented by United in its Motion were raised by the Carrier in its previous submissions to the Board in this matter and were considered by the Board in its March 4, 2025 decision. In addition, as noted above, the Carrier failed to file its Motion within the deadline set forth in Manual Section 11.0.

CONCLUSION

The Board finds that the Carrier’s Motion is untimely and does not state a basis for reconsideration.¹ Accordingly, any relief upon reconsideration is denied.

By direction of the NATIONAL MEDIATION BOARD.



Maria-Kate Dowling
General Counsel

¹ Although concurring in the denial, Chairman Sweatt reiterates that the Board’s accretion policy should be reconsidered because a secret ballot election is the only reliable method for determining employee preference in any representation matter.