



NATIONAL MEDIATION BOARD

1301 K St NW, Suite 250E
Washington, DC, 20005

In the Matter of the
Application of

INTERNATIONAL ASSOCIATION
OF EMTS AND PARAMEDICS

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

involving employees of

MERCY FLIGHT CENTRAL

53 NMB No. 14

NMB CASE NOS. R-7653 & R-7654

FINDINGS UPON INVESTIGATION –
DISMISSAL

February 25, 2026

This determination addresses election interference allegations filed by Mercy Flight Central (Mercy or Carrier) involving its Flight Paramedics and Flight Registered Nurses crafts or classes. For the reasons set forth below, the National Mediation Board (NMB or Board) finds that the laboratory conditions were not tainted.

PROCEDURAL BACKGROUND

On January 8, 2025, the International Association of EMTs and Paramedics (IAEP) filed applications with the Board alleging representation disputes involving Mercy's Flight Paramedics craft or class and its Flight Registered Nurses craft or class. On June 11, 2025, the NMB certified the IAEP to represent the Flight Registered Nurses (R-7654) in *Mercy Flight Central*, 52 NMB 184 (2025) and Flight Paramedics (R-7653) in *Mercy Flight Central*, 52 NMB 182 (2025). On June 19, 2025 Mercy requested that the NMB investigate an instance of conduct it alleged may have compromised the integrity of the election process. On September 18, 2025, the Board initially denied Mercy's request for an investigation. See *Mercy Flight Central*, 52 NMB 220 (2025). Then on December 16, 2025, the Board granted Mercy's Motion for Reconsideration and authorized an investigation. See *Mercy Flight Central*, 53 NMB 24 (2025). In

January of 2026, Investigator Angela I. Heverling investigated, interviewing Mercy and IAEP witnesses, a management official, and randomly selected employees at Mercy's Rome, New York location and in virtual meetings.

ISSUE

Were the laboratory conditions for a fair election tainted? If so, what is the appropriate Board response?

FINDINGS OF LAW

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

I.

Mercy is a common carrier as defined in 45 U.S.C. § 181.

II.

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

III.

45 U.S.C. § 152, Third, provides in part: "Representatives . . . shall be designated . . . without interference, influence, or coercion"

IV.

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."

DISCUSSION

Section 2, Third of the RLA provides that employee representatives shall be designated "without interference, influence, or coercion by either party over the designation of representatives" Under Section 2, Ninth the Board is charged with the responsibility of assuring that employees are provided the opportunity to make a choice concerning representation free of interference, influence, or coercion. While the Board generally does not investigate single or

isolated incidents of alleged interference, the small size of the workforce and the safety-sensitive nature of the work among these employees increases the potential for single incidents of intimidation or harassment to impact the workforce and ultimately the outcome of the election.

The Board applies the same test to allegations of union and carrier interference: whether laboratory conditions have been tainted. The Board has recognized, however, that “because of the unique power and authority which carriers possess in the workplace” this test may result in different conclusions based on whether a carrier or a union engaged in the alleged conduct. *Air Wisconsin*, 16 NMB 235, 239-40 (1989). When considering whether employees' freedom of choice of a collective bargaining representative has been impaired, the Board examines the totality of the circumstances as established through the investigation. *See e.g. Delta Airlines*, 35 NMB 260, 284 (2008).

Mercy is a non-profit air medical services provider that has approximately 28 Flight Registered Nurses and Flight Paramedics located in Western New York. The company is headquartered in Canandaigua, New York and operates bases in Canandaigua, Rome, and Marcellus, New York and is headed by a President/Chief Executive Officer (CEO).

The investigation disclosed that the employees' unionization effort began following a September 2024 hard landing incident at the Canandaigua Airport involving a Flight Nurse, a Flight Paramedic, and a Helicopter Pilot based there.¹ Following the accident, clinical employees expressed workplace safety concerns and some felt that management was not responsive to those concerns. A group of Flight Nurses and Flight Paramedics began holding meetings and eventually decided to consider approaching a union. A smaller number of employees vetted various unions and eventually settled on the IAEP. Authorization cards were collected in December 2024 and the NMB received applications from the IAEP on January 8, 2025.

Mercy's Allegations Against IAEP and its Supporters

Mercy's allegations were based primarily on a reported incident of potential employee intimidation by a union supporter at its Rome location. A Flight Nurse reported to Mercy that on December 8, 2024 a Flight Paramedic engaged in a hostile conversation with him upon learning he disagreed with efforts to unionize. Mercy also alleged that the Flight Paramedic offered to pay the Flight Nurse's union dues and that there may have been more incidents of union

¹ The National Transportation Safety Board Aviation issued a Preliminary Investigation Report on September 19, 2024, but that investigation has not been completed. <https://data.ntsb.gov/carol-repgen/api/Aviation/ReportMain/GenerateNewestReport/195147/pdf>

supporters offering to pay dues or otherwise coercing employees to support the union.

Mercy initially learned about the December 8, 2024 incident between a Flight Nurse and Flight Paramedic from the former Director of Human Resources. Employees also reported the incident to Mychal Rollins, a labor relations consultant Mercy hired in late December 2024. It does not appear that Mr. Rollins did any investigating beyond meeting with employees and passing along concerns to management.

The investigation uncovered conflicting reports as to whether the offer to pay union dues was a serious one, but it was not repeated and no money was exchanged. The individuals involved in the incident had different views about what occurred but there is no evidence that any employee changed their vote based on intimidation or bribery. No one reported being coerced to sign an authorization card, nor did any employee claim that the integrity of the election process had been violated in any way.

Employees reported a sometimes-contentious environment in the months prior to the IAEP's application with NMB in January 2025, particularly at the Rome location, with employees expressing strong opinions on both sides of the issue. In investigating allegations against union supporters, the Board has noted the RLA's legislative history, particularly the statement of Joseph B. Eastman, Federal Coordinator of Transportation, before the Senate Committee on Interstate Commerce on the 1934 amendments to the RLA: "When it comes to the organization of employees, it is entirely appropriate and proper that argument and electioneering be allowed." *See e.g. United Air Lines*, 22 NMB 288, 319 (1995). While it was reported that some employees' behavior exceeded that which was considered appropriate in this workplace, it did not rise to the level of interference.

Mercy's Conduct

The investigation also considered concerns raised by union witnesses alleging that Mercy may have engaged in practices that have been considered interference by the Board, such as polling employees on their views about the union and holding one-on-one or small group meetings to discuss their views on the union. The Board will at times investigate additional facts which are not part of initial interference allegations. *See, e.g., American Trans Air*, 28 NMB 260, 266 (2001). Here, the Investigator followed up on concerns raised by IAEP witnesses and other employees regarding the conduct of Mr. Rollins and Mercy's former CEO.

The investigation disclosed that Mr. Rollins made himself available to speak with employees one-on-one about the unionization campaign. These meetings were voluntary, although some employees reported that their purpose was to poll employees regarding their support for the union. Employees also

reported that the company's former CEO visited Mercy locations and met with the crew on duty, generally a Flight Nurse and a Flight Paramedic, and encouraged them to vote against unionization.

The actions by Mr. Rollins and the former CEO did not rise to the level of election interference. Carriers have the right to communicate with their employees during election campaigns, as long as they do not misrepresent the Board's processes or engage in threats or intimidation. While some employees felt the former CEO's visits alone were meant to intimidate, employees reported that they did not impact how they chose to vote. The Board has found interference based on a carrier subjecting its employees to a "barrage of meetings and communications" suggesting that they would lose their jobs if they unionized, for example, in *Petroleum Helicopters*, 25 NMB 197, 229 (1998). Mercy's conduct here did not rise to that level.²

There is no doubt that the electioneering on both sides was at times vigorous or aggressive; however, the Board finds no evidence that employees' freedom of choice was impaired leading up to the election of IAEP as the employees' certified representative. Employees appeared to have made their decision early based on how they felt safety concerns would be best addressed at Mercy and were not swayed by any of the conduct or behavior discussed here. This is a well-informed workforce who understood the election process and were unlikely to be persuaded by disagreements or rumors. None of the reported conduct by Mercy or its employees rose to the level of interference.

CONCLUSION

Based upon the totality of circumstances, the Board finds that the conditions required for a fair election were not tainted.

The Board reminds the parties that carriers have a judicially enforceable obligation to make and maintain agreements with their employees' representative upon certification. Section 2, Ninth of the RLA states that upon receipt of the NMB's certification, "the carrier shall treat with the representative so certified" The Supreme Court, in *Virginian Railway v. System Federation No. 40*, 300 U.S. 515, 548 (1937), stated the following:

The statute does not undertake to compel agreement between the employer and employees, but it does command those preliminary

² There was some speculation among employees that two disciplinary matters in late 2024 and early 2025 were retaliation for union support. Although retaliation against an employee for activities such as meeting with a union, soliciting authorization cards, or signing an authorization card is prohibited by Section 2, Third and Fourth of the RLA, relief for any such violation must be sought in court. *See, e.g., Diaz v. Amerijet Int'l, Inc.*, 872 F. Supp. 2d 1365, 1374 (S.D. Fla. 2012). The Board does not have the jurisdiction to reinstate employees or otherwise remedy such violations. *See Pinnacle Airlines*, 30 NMB 186 (2003).

steps without which no agreement can be reached. It at least requires the employer to meet and confer with the authorized representative of its employees, to listen to their complaints, to make reasonable effort to compose differences— in short, to enter into a negotiation for the settlement of labor disputes such as is contemplated by Section 2, First.

See also Int'l Ass'n of Machinists & Aerospace Workers v. Alitalia Airlines, 753 F.2d 3, 4 (2d Cir. 1985) (holding that an airline had an obligation to bargain with the certified representative even when it had doubts that the representative had majority support among employees).

The International Association of EMTs and Paramedics remains certified to represent Mercy Flight Central's Flight Registered Nurses and Flight Paramedics crafts or classes. As there is no further basis to proceed, the Board closes its file on this matter.

By direction of the NATIONAL MEDIATION BOARD



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