

In the Matter of the
REPRESENTATION OF
EMPLOYEES
of
DOBBS INTERNATIONAL
SERVICES, INC.
d/b/a Gate Gourmet
Kitchen, Commissary, Catering,
and Related Employees

28 NMB No. 4

CASE NO. R-6783
(File No. CR-6687)

CERTIFICATION

October 11, 2000

The services of the National Mediation Board (NMB) were invoked by the IBT/HERE Employee Representatives' Council (Council or Organization) on May 18, 2000, to investigate and determine who may represent under Section 2, Ninth, of the Railway Labor Act (RLA) "Kitchen, Commissary, Catering, and Related Employees," employees of Dobbs International Services, Inc. d/b/a Gate Gourmet (Dobbs).

Based on a voluntary recognition agreement, dues authorizations, authorization cards, and a collective bargaining agreement between the Council and Dobbs, the Organization requested certification without an election pursuant to the NMB's Representation Manual (Manual) Sections 10.3 and 10.4, and *Air Florida, Inc.*, 7 NMB 162 (1979).¹ The NMB's investigation established that an overwhelming majority of

¹ In *Air Florida*, the NMB found that in certain circumstances, a copy of any current, valid collective bargaining agreement between the applicant and the carrier may be submitted in lieu of authorization cards.

employees in the craft or class support representation by the Council. As a result of its investigation and for the reasons stated below, the NMB issues a Certification.

At the time this application was received, these employees were not represented by any organization or individual for purposes of the RLA.

The NMB assigned Sean J. Rogers as the Investigator.

In *Dobbs International Services, Inc. d/b/a Gateway Gourmet*, 27 NMB 537 (2000), the NMB determined that Dobbs was a carrier pursuant to 45 U.S.C. § 181 and that the NMB has jurisdiction over this representation dispute. In that determination, the NMB instructed the Carrier to post NMB notices in English and Spanish throughout the workplace. The notices informed the employees in the craft or class of the NMB's investigation to determine whether a certification should be issued based on a showing of majority support by the Council. The NMB notices were posted from August 22, 2000, to the present.

As a result of the notices, on September 8, 2000, District 6, International Union of Industrial, Service, Transport & Health Employees (District 6), submitted a memorandum with employee affidavits and petitions and argued "that an election of Newark Dobbs employees is required to ascertain the will for these employees regarding representation."² District 6's submission reiterates the claims asserted in *Dobbs, supra*. In that determination, the NMB concluded that District 6's claims were without merit and unsupported by any substantial evidence. The NMB will not reconsider these claims.

² Pursuant to a certification from the National Labor Relations Board, District 6 represents approximately 339 employees at the Dobbs' Newark kitchen facility, which is 3.28% of the 10,651 employees in the craft or class.

No other labor organizations responded to the NMB notices which are posted throughout the Dobbs work place.

FINDINGS

The investigation disclosed that a dispute exists within the craft or class of Kitchen, Commissary, Catering, and Related Employees. By direction of the NMB, the Investigator was instructed to determine the employees' representation choice.

As of the payroll ending May 12, 2000, Dobbs employed 10,651 kitchen, catering, and related employees who provide catering kitchen services to air and rail carriers. In the spring of 2000, following the purchase of Dobbs by SAirGroup, the International Brotherhood of Teamsters (IBT) and the Hotel Employees and Restaurant Employees (HERE) combined to form the Council. Previously, IBT Locals represented 3,397 and HERE Locals represented 3,420 Dobbs employees pursuant to recognitions or National Labor Relations Board (NLRB) certifications and collective bargaining agreements with Dobbs. Therefore, following the formation of the IBT and HERE into the Council, the Council represented 6,817 of 10,651 Dobbs employees at the time of that company's purchase by SAirGroup.

In addition to a voluntary recognition agreement and a collective bargaining agreement, the Council's application also included signed dues authorizations for these employees which were compared to the Carrier's signed dues authorization records. The support of employees in the craft or class for representation by the Council is further established by signed authorization cards from 1,537 of 2,240 unrepresented Dobbs employees nationwide.

On May 15, 2000, Dobbs voluntarily recognized the Council as the representative of the craft or class. On June 1,

2000, Dobbs and the Council executed a “Master System-Wide Agreement” covering the craft or class. This voluntary recognition agreement and collective bargaining agreement covers all employees in the craft or class formerly represented by HERE and IBT separately, as well as the unrepresented employees and the employees represented by several other labor organizations pursuant to NLRB certifications.³

The investigation disclosed that an established collective bargaining relationship exists between Dobbs and the Council. In addition, Dobbs and the Council agreed in writing to certification without an election pursuant to Manual Sections 10.3 and 10.4. The Council is the only organization involved in this dispute.

CONCLUSION

On the basis of the investigation, the “Master System-Wide Agreement,” dues authorizations and authorization cards, the NMB finds the overall showing of support for the Council is 93.5% (9,954 employees of the total 10,651 employees in the craft or class). The NMB finds that a majority of the craft or class has determined that the Council shall be the representative of the craft or class of Kitchen, Commissary, Catering, and Related Employees at Dobbs for the

³ Approximately 1,600 Dobbs employees are represented by other AFL-CIO labor organizations with recognitions or NLRB certifications and collective bargaining agreements with Dobbs. The Council has designated these organizations as its agents for collective bargaining purposes. On September 13, 2000, the IAM requested that the NMB defer determination in this matter pending prospective meetings with the Council and other AFL-CIO affiliate organizations concerning the collective bargaining arrangements with Dobbs. These meetings are immaterial to the NMB’s investigation of the Council’s application. Therefore, the IAM’s request is denied.

purposes of the RLA.

CERTIFICATION

NOW, THEREFORE, File No. CR-6687 is converted to NMB Case No. R-6783 and in accordance with Section 2, Ninth, of the Railway Labor Act, as amended, and based upon its investigation pursuant thereto, the National Mediation Board certifies that the IBT/HERE Employees Representatives' Council has been duly designated and authorized to represent for the purposes of the Railway Labor Act, as amended, the craft or class of Kitchen, Commissary, Catering, and Related Employees, employees of Dobbs International Services, Inc. d/b/a Gate Gourmet, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Stephen E. Crable
Chief of Staff

Copies to:
(See attached list)

Keith A. Warren, Esq.
Mr. Ray Benning
Roland Wilder, Esq.
Mr. Ken Paulsen
John Clarke, Esq.
Larry W. Mazey, Esq.
Richard M. Greenspan, Esq.
Mr. R. Thomas Buffenbarger
Mr. Robert Roach, Jr.
David Neigus, Esq.
Mr. Frank Hurt
Mr. David B. Durkee
Joseph Lee. Matalon, Esq.