



## NATIONAL MEDIATION BOARD

WASHINGTON, D.C. 20572

In the matter of the  
Application of the

ALLIED PILOTS ASSOCIATION

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

involving employees of

FLAGSHIP AIRLINES, INC.,  
EXECUTIVE AIRLINES, INC.,  
WINGS WEST AIRLINES, INC.,  
SIMMONS AIRLINES, INC.,  
METROFLIGHT, INC.,  
AMR EAGLE, INC.,  
AMR CORPORATION,  
and AMERICAN AIRLINES, INC.

20 NMB No. 23

NMB FILE NO. C-6459

NOTICE OF HEARING

January 12, 1993

On June 15, 1992 the Allied Pilots Association (APA) filed an application pursuant to Section 2, Ninth, of the Railway Labor Act, 45 U.S.C. §152, Ninth, alleging the existence of a representation dispute involving Flight Deck Crew Members of Executive Airlines, Inc. (Executive), Flagship Airlines, Inc. (Flagship), Wings West Airlines, Inc. (Wings West) and Simmons Airlines, Inc. (Simmons). APA asserts that the four carriers, all wholly-owned subsidiaries of AMR Eagle, Inc., constitute a "single transportation system" for Railway Labor Act purposes. AMR Eagle, Inc. (AMR Eagle) is a wholly-owned subsidiary of AMR Corporation. American Airlines, Inc. (American) is a subsidiary of AMR Corporation.

The four wholly-owned carriers operate as American Eagle carriers for American Airlines. Metroflight, Inc. (Metroflight) operates as an American Eagle carrier but is not wholly-owned by AMR Eagle.

The Board certified APA to represent the Flight Deck Crew Members at Executive on April 13, 1990 (R-5946). APA is the representative of the craft or class of Pilots on Flagship pursuant to voluntary recognition. The Board certified the Air Line Pilots Association (ALPA) to represent the Flight Deck Crew Members at Simmons on July 31, 1986 (R-5641). The Regional Airline Pilots Association (RAPA) was certified, on September 13, 1988, to represent the craft or class of Pilots on Wings West (R-5804). ALPA was certified, on July 21, 1982, to represent the craft or class of Pilots and Co-Pilots on Metroflight (R-5313). On November 13, 1963, APA was certified to represent the craft or class of Pilots on American (R-3619).

APA asserts that "the two holding companies, AMR Eagle and AMR Corporation, assert centralized control over all the functions of these four [wholly-owned] carriers, including labor relations." Based on this assertion, APA contends that these four carriers constitute a single transportation system for labor relations purposes.

It is the position of AMR Eagle that it is a holding company and is not a common carrier by air under the Railway Labor Act.

Each of the wholly-owned carriers assert that no representation dispute exists involving its respective craft or class covering Pilots. Flagship has requested that the Board "require the APA to demonstrate a sufficient showing of interest on the part of the affected employees before permitting the APA's petition to go forward." Wings West and Simmons assert that APA must submit a showing of interest from at least a majority of the employees in each of their respective crafts or classes covering Pilots.

It is the position of American Airlines that APA's application "fails to raise a genuine transportation dispute" and "that American is not a single carrier with any commuter carrier." American asserts that the Board should first resolve the threshold question of whether a representation dispute actually exists. If the Board does not accept this,

American argues that "the Board should convene a status conference of all counsel to identify factual issues for which an evidentiary hearing may be required." If the Board does not elect to resolve the threshold issue, or to hold a status conference, American requests a two week period following the Board's ruling on the threshold issues to respond on behalf of American to the broad and far-reaching factual allegations made by APA. It is the position of American that APA should be required to support its application with a showing of interest from a majority of the total pilot work force before the Board processes the application. American contends that "APA ignores the separate certifications and operations of the commuter carriers here and offers no compelling reason to interfere with the stable relationships existing at those carriers."

RAPA asserts that the single transportation system must include not only the employees of Executive, Flagship, Wings West, Metroflight and Simmons, Inc. but "also must include the pilots of American Airlines, Inc." ALPA takes no position on APA's application at this time but states that it "reserves its position on the question whether American Airlines and/or any other related entities should be included if the four named carriers comprise a single transportation system."

Based upon review of the application, position statements and accompanying evidence, the Board finds that a hearing is necessary to resolve questions of fact and law regarding whether Executive, Flagship, Wings West and Simmons constitute a single transportation system for Railway Labor Act purposes. In light of the importance and complexity of the issues raised by APA's application and the position statements submitted, the Board finds necessary the participation of AMR Corporation, AMR Eagle, Metroflight and American to assist the Board in its fact-finding. If they wish to become full participants, they may move to do so. Additionally, all labor organizations representing employees on the carriers are invited to participate.

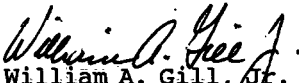
NOTICE is given that a hearing will be held before Senior Hearing Officer Roland Watkins at the Board's offices in Washington, D.C., on the issues involved.

A pre-hearing conference will be held commencing at 11:00 a.m., on Tuesday, February 2, 1993, at the Board's offices located at 1301 K Street, N.W., Suite 250 East, Washington, D.C. All participants are requested to notify the Senior Hearing Officer in writing no later than January 26, 1993, of the names of the individuals who will be attending the pre-hearing conference.

All entities are notified that all inquiries, whether written or oral, concerning the above application and this notice must be directed to Senior Hearing Officer Roland Watkins, National Mediation Board, Washington, D.C. 20572.

The Hearing Officer is delegated the authority to provide for the proper and expeditious conduct of this proceeding.

By direction of the NATIONAL MEDIATION BOARD.

  
William A. Gill, Jr.  
Executive Director

cc: Edgar N. James, Esq.  
Counsel for APA  
Guerrieri, Edmond & James

Nancy Segal, Esq.  
Association of Flight Attendants

Joel H. Kaplan, Esq.  
Counsel for Simmons Airlines  
Seyfarth, Shaw, Fairweather & Geraldson

Scott A. Kruse, Esq.  
Counsel for Wings West Airlines  
Gibson, Dunn & Crutcher

Harry A. Risetto, Esq.  
Counsel for Flagship Airlines  
Morgan, Lewis & Bockius

Michael H. Campbell, Esq.  
Counsel for Executive Airlines  
Ford & Harrison

Mady Gilson, Esq.  
Counsel for the Association  
of Professional Flight Attendants  
Bredhoff & Kaiser

David A. Rosenfeld, Esq.  
Counsel for RAPA  
Van Bourg, Weinberg, Roger & Rosenfeld

Michael E. Abram, Esq.  
Counsel for ALPA  
Cohen, Weiss & Simon

Jonathan Cohen, Esq.  
Air Line Pilots Association

Arthur M. Luby, Esq.  
Counsel for the Transport Workers  
Union of America, AFL-CIO  
O'Donnell, Schwartz & Anderson

Asher W. Schwartz  
Counsel for FEIA  
O'Donnell, Schwartz, Glanstein & Rosen

J.L. Seaborn, President  
and Chief Operating Officer  
Metroflight, Inc.

David L. Neigus, Esq.  
Int'l Brotherhood of Teamsters

A.J. Harper, Esq.  
Counsel for AMR Eagle  
Fulbright & Jaworski

John J. Gallagher, Esq.  
Counsel for American Airlines  
Paul, Hastings, Janofsky & Walker

Robert L. Crandall, Chairman  
AMR Corporation