

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**AIR TRAFFIC MANAGEMENT
CONSULTING INC.**

and

Case 28-CA-147299

**INTERNATIONAL ASSOCIATION OF
MACHINISTS & AEROSPACE WORKERS,
AFL-CIO, LOCAL LODGE 845**

DECISION AND ORDER

On November 10, 2015, Air Traffic Management Consulting Inc. (the Respondent), the International Association of Machinists & Aerospace Workers, AFL-CIO, Local Lodge 845 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

At all material times, the Respondent, a Delaware corporation with an office and place of business at Nellis Air Force Base, Nevada (the facility), has been engaged in the business of providing transient alert services.

Annually, in conducting its operations at the Nellis Air Force Base, the Respondent has provided services to the United States valued in excess of \$500,000.

Based on its operations described above, the Respondent has a substantial impact on the national defense of the United States.

The Respondent is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization

The Union is a labor organization within the meaning of Section 2(5) of the Act.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, Air Traffic Management Consulting Inc., Nellis Air Force Base, Nevada, its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Refusing to bargain collectively with the International Association of Machinists & Aerospace Workers, AFL-CIO, Local Lodge 845 as the exclusive representative of all its aircraft servicers employed at Nellis Air Force Base, excluding all other employees, guards, and supervisors as defined in the Act.

(b) Failing or refusing to provide information requested by the Union, in a timely fashion, that is necessary for and relevant to the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit.

(c) In any like or related manner, interfering with, restraining or coercing Unit employees in the exercise of the rights guaranteed to them under Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Upon request, bargain collectively with the International Association of Machinists & Aerospace Workers, AFL-CIO, Local Lodge 845, as the exclusive representative of all its aircraft servicers employed at Nellis Air Force Base, excluding all other employees, guards, and supervisors as defined in the Act, with respect to rates of pay, wages, hours of employment and other conditions of employment, and if an understanding is reached, reduce it to writing and sign it. On resumption of bargaining,

the Union's status as the exclusive collective-bargaining representative of the Unit shall be extended for 12 months thereafter, as if the initial recognition year has not expired.

(b) Immediately provide to the Union the information it requested on January 28, 2015, and update previously provided information, if needed.

(c) Within 14 days of service by Region 28 of the National Labor Relations Board (Region 28), post at its Nellis Air Force Base facility copies of the attached notice marked "Appendix A." Copies of the notices, on forms provided by Region 28, after being signed by Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notices to all current employees and former employees employed by the Respondent at any time since October 1, 2014.

(d) Within 21 days after service by the Region, file with the Regional Director for Region 28, a sworn certificate of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., February 12, 2016

Mark Gaston Pearce, Chairman

Philip A. Miscimarra, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX A

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose representatives to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

International Association of Machinists & Aerospace Workers, AFL-CIO, Local Lodge 845 (the Union) is the exclusive collective-bargaining representative of the following appropriate unit of our employees:

All regular full-time and part-time aircraft servicers employed by Air Traffic Management Consulting Inc. at the Nellis Air Force Base, excluding all other employees, guards and supervisors as defined in the Act.

WE WILL NOT refuse to bargain with the Union as the exclusive collective-bargaining representative of our employees in the unit of employees described above.

WE WILL NOT fail or refuse to furnish or unreasonably delay in providing the Union with information that is relevant and necessary to its role as the exclusive collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you under Section 7 of the Act.

WE WILL upon request, bargain collectively and in good faith with the Union, and **WE WILL** continue to do so for up to one year after we resume bargaining with the Union, reducing any agreements we reach to writing and sign it.

WE WILL respond to the Union's requests for information in a timely fashion, and **WE WILL** provide to the Union the information it requested on January 28, 2015, and update previously provided information if needed.

AIR TRAFFIC MANAGEMENT CONSULTING INC.

The Board's decision can be found at www.nlr.gov/case/28-CA-147299 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

