



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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<p>In the Matter of the Application of the</p> <p>REBECA HERNANDEZ</p> <p>alleging a representation dispute pursuant to Section 2, Ninth, of the Railway Labor Act, as amended</p> <p>involving employees of</p> <p>DALFORT AEROSPACE, L.P.</p>	<p>30 NMB No. 8</p> <p>CASE NO. R-6916 (File No. CR-6765)</p> <p>FINDINGS UPON INVESTIGATION- DISMISSAL</p> <p>October 31, 2002</p>
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This determination addresses the application of Rebeca Hernandez (Hernandez or Applicant), an individual, alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among “Porters” (Janitor-Porters), employees of Dalfort Aerospace, L.P. (Dalfort or Carrier). The International Brotherhood of Teamsters (IBT or Organization), is the certified representative of the Mechanics and Related Employees (NMB Case No. R-6661). Janitor-Porters are included in the Mechanics and Related craft or class. Hernandez asserts that the Janitor-Porters constitute a separate craft or class.

For reasons set forth below, the National Mediation Board (Board) concludes that the Janitor-Porters are part of the Mechanics and Related craft or class and covered by the IBT’s certification. Therefore, the Board dismisses the application.

PROCEDURAL HISTORY

On August 13, 2002, Hernandez filed an application alleging a representation dispute among Dalfort's Janitor-Porters. The Board assigned Susanna F. Pequignot as the Investigator.

On August 16, 2002, Hernandez submitted an initial position statement. The IBT filed an initial position statement on August 23, 2002. On August 29, 2002, the Investigator requested job descriptions for Refuelers and Cleaners (Janitor-Porters) and the Carrier provided this information on September 5, 2002. Hernandez replied to the IBT's position statement on September 5, 2002.

ISSUE

Are Janitor-Porters at Dalfort a separate craft or class or are they part of the Mechanics and Related Employees craft or class?

CONTENTIONS

Hernandez

Hernandez states that the "classification of Porter has no relation to the classification of Mechanic." In addition, the Applicant contends that while certain Mechanics and Related Employees' positions require specialized skills and training, the Janitor-Porters positions do not. Hernandez contends that while Dalfort's Mechanics and Related Employees are all necessary "to move the aircraft through the process to completion," the Janitor-Porters are not.

The Applicant also asserts that the contract between the IBT and Dalfort focuses on Mechanics and Related Employees, but not necessarily Janitor-Porters.¹

IBT

The IBT asserts that the craft or class of Janitor-Porters is improper, and the employees at issue in this case are included in the Mechanics and Related Employees craft or class pursuant to NMB Case No. R-6661. The Organization requests that the Board dismiss this case.

Dalfort

The Carrier did not take a position on the application.

FINDINGS OF LAW

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

I.

Dalfort is a common carrier by air as defined in 45 U.S.C. § 181.

¹ The Applicant contends that the IBT has not provided the Janitor-Porters with effective representation. The Board does not consider allegations of ineffective representation in its craft or class determinations.

II.

Hernandez and the IBT are labor organizations and/or representatives as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

III.

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 purposes of this chapter.”

IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and shall designate who may participate as eligible voters in the event an election is required.

STATEMENT OF FACTS

I.

In 2000, the Board certified the IBT as the representative of Dalfort’s Mechanic and Related Employees which includes the Janitor-Porters at issue in this case. *Dalfort Aerospace L.P.*, 27 NMB 196 (2000).

II.

According to the position description supplied by the Carrier, the job functions of Janitor-Porters include:

- Work recognized as janitorial in nature in and about company shops, offices, ramps, hangars and buildings;
- Work to include sweeping, vacuuming, mopping, polishing, washing, dumping trash and general cleaning duties to make property presentable.

DISCUSSION

The Board makes craft or class determinations based on a work-related community of interest. *National Airlines, Inc.*, 27 NMB 550 (2000); *American Airlines, Inc.*, 26 NMB 106 (1998); *LSG Lufthansa Servs., Inc.*, 25 NMB 96 (1997). In determining the proper craft or class for employees, the Board is guided by the Representation Manual (Manual) Section 5.1 which states:

Individual cases require consideration of facts peculiar to particular situations, but, in addition, there are general factors to be considered. These may include, among others, the composition and relative permanency of employee groupings along craft or class lines; the functions, duties, and responsibilities of the employees; the general nature of their work; and the extent of community of interest existing between job classifications.

The Board examines the actual duties and responsibilities of employees, not merely job titles when determining whether there is a work-related community of interest. *National Airlines, above* at 555; *American Airlines, above* at 117.

The Board has examined the proper scope of the craft or class of Mechanics and Related Employees in numerous decisions. *US Airways, Inc.*, 28 NMB 104 (2000); *United Parcel Serv. Co.*, 27 NMB 3 (1999); *Allegheny Airlines, Inc.*, 26 NMB 487 (1999). It is well established that janitors are part of the Mechanics and Related Employees craft or class. *United Air Lines, Inc.*, 22 NMB 12 (1994); *Northwest Airlines, Inc.*, 18 NMB 357

(1991); *Eastern Air Lines, Inc.*, 4 NMB 54 (1965). In *United Airlines, Inc.*, 6 NMB 134 (1977), the Board, quoting *National Airlines, Inc.*, 1 NMB 423, 428-29 (1947), described the composition of the Mechanics and Related Employees, in part, as follows:

- A. Mechanics who perform maintenance work on aircraft, engine, or accessory equipment.
- B. Ground service personnel who perform work generally described as follows . . . cleaning of airport hangars, building, hangar and ramp equipment.
- C. Plant maintenance personnel

The Board has further stated, “[t]he related employees . . . while of different skill levels from the mechanics, nonetheless are closely related to them in that they are engaged in a common function – the *maintenance function*” *Eastern Air Lines, Inc.*, *above* (emphasis added). See also *US Airways, above*; *Federal Express Corp.*, 20 NMB 360 (1993).

Janitor-Porters are responsible for cleaning the Carrier’s shops, offices, ramps, hangars and buildings. The evidence establishes that the Janitor-Porters at Dalfort perform work traditionally performed by employees in the Mechanics and Related Employees craft or class. See *United Airlines, Inc.*, 6 NMB 134, 135 (1977). Therefore, the Janitor-Porters are not a separate craft or class.

CONCLUSION

The Board finds that Hernandez's application for Janitor-Porters is not for a proper craft or class. Therefore, NMB File No. CR-6765 is converted to NMB Case No. R-6916 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.

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