



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the Application of the INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO alleging a representation dispute pursuant to Section 2, Ninth, of the Railway Labor Act, as amended involving employees of US AIRWAYS, INC.	30 NMB No. 10 CASE NO. R-6918 (File No. CR-6759) FINDINGS UPON INVESTIGATION November 1, 2002
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On May 8, 2002, the International Association of Machinists & Aerospace Workers, AFL-CIO (IAM or Organization) filed an application with the National Mediation Board (Board), pursuant to the Railway Labor Act (RLA) at 45 U.S.C. § 152, Ninth, (Section 2, Ninth), seeking to represent personnel described as “Inflight Training Specialists/Ground Instructors” of US Airways, Inc. (US Airways or Carrier). During the investigation, the Carrier contended that Inflight Training Specialists do not constitute a separate craft or class, but rather are part of the craft or class of Office Clerical Employees.

For the reasons below, the Board finds that the proper craft or class is Inflight Training Specialists.

PROCEDURAL BACKGROUND

On May 8, 2002, the IAM filed its application. The Board assigned Mary L. Johnson to investigate.

On May 24, 2002, the Carrier submitted an initial position statement. The IAM submitted its response to the Carrier's initial position statement on June 11, 2002. The Carrier submitted its reply to the IAM's response on June 21, 2002. The IAM submitted a reply to the Carrier's June 21, 2002 submission on June 25, 2002.

On August 27, 2002, the Investigator requested that the Carrier and the IAM provide additional documentation to the Board by September 4, 2002. On September 4, 2002, the IAM submitted the requested information, however, the Carrier requested an extension of time. On September 11, 2002, the Carrier submitted the additional information requested by the Investigator.

ISSUE

What is the proper craft(s) or class(es) for US Airways' Inflight Training Specialists?

CONTENTIONS

IAM

IAM maintains that the appropriate craft or class is Inflight Training Specialists. IAM argues that the Inflight Training Specialists are a separate craft or class and do not share a work-related community of interest with the Carrier's Office Clerical Employees, as US Airways contends. The IAM asserts that the Board has found certain types of instructors to constitute separate crafts or classes at several major air carriers.

The IAM contends that based on the factors of job qualification, job content and functional integration, "it is even a

stretch to suggest that the Inflight Training Specialists share a work-related community of interest with the Carrier's Office Clerical Employees." The IAM states that Inflight Training Specialists work in a separate department at training centers located several miles away from the airport, and spend the majority of their time developing a curriculum and teaching in a classroom environment.

Finally, the IAM contends that it has continuously maintained that the Inflight Training Instructors do not belong in the Office Clerical craft or class. The Organization asserts that in 2000, in File No. CR-6679, the Carrier presented a list of potential eligible voters which included "hundreds of job titles," including Inflight Training Specialists. The IAM argues that the Carrier's attempt to extend the Investigator's rulings in that case to the case at hand should be ignored because the IAM withdrew its application before the Board ruled on IAM's appeals. *US Airways, Inc.* 27 NMB 565 (2000).

US AIRWAYS

The Carrier asserts that Inflight Training Specialists do not constitute a separate craft or class, but instead, are part of the larger craft or class of Office Clerical Employees. Therefore, the Carrier contends that the application should be dismissed. The Carrier states that Inflight Training Specialists are selected using the same merit-based process as other US Airways management and administrative employees.

US Airways argues that the Board should defer to the Investigator's ruling in NMB File No. CR-6679, that Inflight Training Specialists are part of the Office Clerical craft or class. In support of this argument, the Carrier cites the Board's Representation Manual (Manual) Section 5.1. The Carrier further argues that allowing the IAM to re-litigate the matter of Inflight Training Specialists would undercut the Board's goal of ensuring consistency in representation decisions.

The Carrier contends that the Board has never found that Flight Attendant Instructors who do not fly the line constitute a separate craft or class. In support of its argument, the Carrier cites *Comair, Inc.*, 28 NMB 251 (2001), where the Board dismissed an application to accrete Flight Attendant Instructors into the Flight Attendant craft or class. The Carrier contends that if the Board had found Flight Attendant Instructors to constitute a separate craft or class, it would have continued its investigation, rather than dismiss the application.

FINDINGS OF LAW

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

I.

US Airways, Inc. is a common carrier by air as defined in 45 U.S.C. § 181.

II.

The IAM is a labor organization and/or representative 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 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.

FINDINGS OF FACT

I.

On February 8, 2000, in File No. CR-6679, the IAM filed an application with the Board alleging a representation dispute involving “Planners, Administrative Representatives, Schedulers, or in the alternative, Office Clerical Employees” of US Airways. US Airways submitted a list of potential eligible voters on February 17, 2000. Included on the list were Instructors. On April 19, 2000, the IAM filed challenges and objections to hundreds of employees on the List of Potential Eligible Voters. IAM argued that employees with a training function should be included in a single craft or class. On June 21, 2000, the Investigator issued a ruling on the participants’ challenges and objections. The Investigator ruled that there was an insufficient basis to create a separate craft or class of Instructors because the IAM failed to show that the Instructors did not share a community of interest with the Office Clerical craft or class. On July 14, 2000, the IAM filed appeals of portions of the Investigator’s rulings, but did not appeal her ruling regarding Instructors. On August 18, 2000, before any ruling had been made on the appeals, the IAM withdrew its application. The Board dismissed the case on September 5, 2000.

II.

The US Airways job description for Inflight Training Specialists lists their duties as follows:

Develop and maintain In-flight training materials, course outlines, lesson plans, training aids, tests, publications, and other course related material for Initial New-Hire training, Recurrent training, new product training, service and technical training. Conduct needs analysis and make appropriate recommendations. Deliver training programs. Participate in special projects requiring research and evaluation. Provide effective student feedback and evaluate proficiency. Support operating departments as needed.

Inflight Training Specialists also co-develop curriculum and deliver classroom instruction on Recurrent Emergency Training to US Airways pilots and flight attendants. During joint recurrent emergency training classes, Inflight Training Specialists work with Pilot Ground School Instructors.

Inflight Training Specialists are hired by the US Airways Recruiting Department and are supervised by the Manager of Inflight Training. Approximately fifty percent of Inflight Training Specialists are former US Airways' flight attendants. Additionally, a Bachelor's Degree in Education, Human Resources or Communications and one year structured instructional/program development experience is preferred for applicants. Inflight Training Specialists are hired at pay level of Grade 77/\$2,993 monthly minimum.

US Airways' Inflight Training Specialists are members of the Inflight Training Department and provide ground and classroom instruction to flight attendant candidates, flight attendants, and pilots. Inflight Training Specialists work at the Carnot Training Center and RIDC Administrative Offices in Pittsburgh, PA and at the Charlotte Training Center in Charlotte, NC. The RIDC facility

is located a few miles from the Pittsburgh airport and houses a number of different departments, including, among others, Inflight Training Department, Flight Operations, Maintenance, Passenger Service, and Finance. The Charlotte Training Center houses the departments of Inflight Training Services, Customer Services Training, Pilot Training and Simulator Engineering. In addition to having classrooms, a computer lab, lecture rooms, and instructor prep rooms, the Charlotte center also has aircraft door and window trainers. The Pittsburgh facilities house the same types of rooms and equipment.

Training Specialists from the three facilities collaborate on training projects. For example, the team that designs and presents curriculum for Transatlantic Training consists of 3 Charlotte-based Training Specialists and 1 RIDC-based Training Specialist.

DISCUSSION

I.

In determining the proper craft or class for a group of employees, the Board considers a number of factors. These factors include functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *Continental Airlines, Inc./Continental Express, Inc.*, 26 NMB 143 (1999); *COMAIR, Inc.*, 22 NMB 175 (1995); *MarkAir, Inc.*, 22 NMB 1 (1994). The factor of work-related community of interest is particularly important. *Continental Airlines, above*; *LSG Lufthansa Servs., Inc.*, 25 NMB 96 (1997); *Airborne Express, Inc.*, 9 NMB 115 (1981). The NMB makes its craft or class determinations on a carrier by carrier basis, in view of Board policy and precedent. *USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988).

In determining the appropriate craft or class of employees involved in training operations, the Board examines actual duties and responsibilities of the employees; the nature and setup of the training operations; the work environment; the position retention

qualifications; the employee interaction; and the role of the major training equipment. *United Airlines, Inc.*, 9 NMB 266 (1982). In applying these factors, the Board finds that Inflight Training Specialists do not share a community of interest with Office Clerical Employees and, therefore, constitute a separate craft or class.

The Board has recognized distinct classes of Instructors in several cases. In *Continental Airlines/ Continental Express, Inc.*, 27 NMB 99 (1999), the Board found that pilot instructors and ground school instructors constituted separate crafts or classes. See also *Delta Air Lines, Inc.*, 26 NMB 391 (1999); *USAir*, 10 NMB 391 (1983); *United Airlines*, 10 NMB 458 (1983).

As the Carrier noted, to date the Board has not found a separate craft or class of Flight Attendant Instructors. In *Comair*, 28 NMB 251 (2001), the Board found Flight Attendant Instructors who did not fly the line were not part of the craft or class of Flight Attendants. In contrast, in *Comair*, 22 NMB 175 (1995) the Board found part-time Instructors who flew the line were part of the craft or class. In *America West Airlines, Inc.*, 16 NMB 224 (1989), the Board excluded “CSR trainers” who did not fly the line. The issue before the Board in all of these cases was the eligibility of Instructors in the Flight Attendant craft or class. Therefore, the Board made no findings on what was the proper craft or class for Flight Attendant Instructors.

Inflight Training Specialists develop and deliver curriculum for new hire and recurrent Flight Attendant Training. Inflight Training Specialists interact with the Flight Attendants and new trainees whom they teach and train every day. There is no interaction between Inflight Training Specialists and other US Airways instructors, except for collaboration with Pilot Ground School Instructors during Flight Attendant and Pilot Recurrent Emergency Training. Inflight Training Specialists conduct training in the classroom and use various electronic training equipment, including personal computers, cabin emergency evacuation trainers, door/window trainers, and PC-managed

auto-visual devices that simulate airplane communication systems.

II.

The Carrier attaches great significance to the Investigator's ruling in NMB File No. CR-6679. Manual Section 5.1 provides, in part, that previous "decisions of the Board in regard to craft or class on the same Carrier shall be binding upon the Investigator."

The Investigator's ruling in NMB File No. CR-6679 was not a "Decision of the Board" as encompassed by Section 5.1. As the Investigator's ruling was not appealed, it is not binding.*

CONCLUSION

The Board finds that Inflight Training Specialists are not part of the Office Clerical craft or class, but rather constitute their own craft or class of "Inflight Training Specialists."

The Board finds a dispute to exist among the Inflight Training Specialists at the US Airways training facilities in Pittsburgh, PA and Charlotte, NC. The Board, therefore, converts File No. CR-6759 to Case No. R-6918 and authorizes a Telephone Electronic Voting (TEV) election using a cut-off date of May 8, 2002. Pursuant to Manual Section 12.1, the Carrier is hereby required to furnish, by November 8, 2002, alphabetized 1" X 2 5/8" peel-off labels bearing the names and current addresses of the employees on the List of Potential Eligible Voters.

* The Carrier cites *Petroleum Helicopters Inc.*, 27 NMB 283 (2000), in support of its position on this issue. The Board finds that its decision in that matter, although correct as to eligibility, was not consistent with long-standing Board policy regarding the binding nature of Investigator rulings. Investigator rulings are never binding on the Board Members.

The Carrier must deliver to the Board's Office of Legal Affairs by **10 a.m., ET, November 8, 2002, 2002**, three copies of an alphabetized list of potential eligible voters (list) and a copy of the list on a diskette or CD in **MSWord Excel spreadsheet** format for the Board's use only. The spreadsheet list must include: a sequential number, the employee's last name, the employee's first name, the last four digits of the employee's Social Security Number, the job title and the duty station, for each employee. A sample format of the spreadsheet list follows:

Sample Format of the Spreadsheet List Fields

Seq. #	Last Name	First Name	SSN4	Job Title	Duty Station
1	Able	John, Jr.	1234	Pilot	Chicago, IL
2	Baker	Mary A.	5678	Pilot	Tampa, FL
3	Charles	William J.	9101	First Officer	Detroit, MI

By direction of the NATIONAL MEDIATION BOARD.

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