



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the
**INTERNATIONAL BROTHERHOOD
OF TEAMSTERS**

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

involving employees of
FRONTIER AIRLINES, INC.

31 NMB No. 4

CASE NO. R-6970
(File No. CR-6795)

FINDINGS UPON
INVESTIGATION –
DISMISSAL

October 9, 2003

This decision addresses the application of the International Brotherhood of Teamsters, Airline Division (IBT or Organization) alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among Aircraft Appearance Agents (Appearance Agents) and Maintenance Cleaners (Cleaners) at Frontier Airlines, Inc. (Frontier or Carrier). The IBT is the certified representative of the Mechanics and Related Employees craft or class on Frontier (NMB Case No. R-6823). *Frontier Airlines, Inc.*, 28 NMB 527 (2001). The IBT asserts that the Appearance Agents and Cleaners are part of the Mechanics and Related Employees craft or class.

For reasons set forth below, the National Mediation Board (Board) finds that the Appearance Agents and Cleaners are already covered by the IBT's certification. Therefore, the Board dismisses the application.

PROCEDURAL BACKGROUND

On July 22, 2003, the IBT filed an application alleging a representation dispute among Frontier's Appearance Agents.

The Organization requested that the Board accrete the Appearance Agents into the Mechanics and Related Employees craft or class. This application was assigned NMB File No. CR-6795. Susanna F. Pequignot was assigned as the Investigator.

On August 6, 2003, the IBT amended its application to include Cleaners into the Mechanics and Related Employees craft or class. The Investigator granted the Carrier an extension of time in which to file a response until August 14, 2003. The IBT filed its initial position statement on August 7, 2003. On August 8, 2003, the Carrier requested an extension of time in which to file an initial position statement since it did not receive any correspondence from the Board until August 7, 2003. The Investigator granted Frontier an extension until August 29, 2003. On August 28, 2003, the Carrier submitted its initial position statement.

ISSUE

Are Frontier's Appearance Agents and Cleaners part of the Mechanics and Related Employees craft or class?

CONTENTIONS

IBT

The IBT contends that Frontier's Appearance Agents and Cleaners are part of the Mechanics and Related Employees craft or class currently represented by the IBT; therefore, an accretion election is unnecessary. The Organization states that the Appearance Agents clean the interior cabin of aircraft between flights and on overnight stays at the Carrier's stations. In addition, the IBT states that between flights the Appearance Agents clean and stock the lavatories, clean the seat pockets, remove all trash from the aircraft, vacuum the cabin and replace and restock pillows and blankets. The IBT also states that Appearance Agents perform small repairs as necessary, such as removing and replacing soiled seat cushions. The Organization also asserts that Appearance Agents are

responsible for contacting the maintenance department to alert them to any major repairs. Finally, the IBT contends that on overnight stays, the Appearance Agents perform a more thorough cleaning of the interior cabin including cleaning windows, walls, and seat cushions and shampooing the carpet.

The Organization asserts that Cleaners clean the exterior of the aircraft and associated parts “as necessary to perform inspection, maintenance and provide a clean appearance for passenger travel.”

Therefore, the IBT asserts, Frontier’s Appearance Agents and Cleaners share a work-related community of interest with the Mechanics and Related Employees craft or class.

Frontier

The Carrier asserts that Appearance Agents and Cleaners should not be accreted into the Mechanics and Related Employees craft or class because the two groups do not share a strong work-related community of interest. The Carrier states, “Agents are required to possess far less in terms of job qualifications and training requirements than Mechanics, perform completely different job duties that are not coordinated with Mechanics, do not physically interact with Mechanics while on the job, are employed under different terms, and have separate employment policies, separate management structure, separate pay scales and separate benefits.” Frontier also states that “Cleaners are not involved with maintenance, but only with the cleaning of the aircraft after maintenance has been performed. Cleaners are really no different than Agents except that they happen to perform their duties in the hangar.” Additionally, Frontier contends that since the required showing of interest has yet to be established, there is no basis for an accretion and the IBT’s application should be dismissed.

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.

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

II.

The IBT 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 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.

The Carrier provided the following job descriptions:

Appearance Agent

Responsible for cleaning the aircraft cabin which includes trash, vacuuming, seat back pockets, tray tables, galley, lavatory, seat cushion. Also responsible for stocking the aircraft cabin which includes safety cards, magazines, lavatory supplies, pillows and blankets.

Cleaner

Responsible for daily interior cleaning and exterior washing of aircraft, parts cleaning for Base Maintenance, support shops, and facilities cleaning as needed.

II.

Frontier also provided its “Policy Guidelines for the Employees of the Customer Care & Service Center” (Policy). According to the Carrier, the Customer Care & Service Center includes the following employees: Ramp Service Agents, Customer Service Agents, Appearance Agents, and Customer Care and Service Agents. In addition to the duties of the Appearance Agents as listed above, the Policy states that these employees “[m]ay assist in the boarding and deplaning of individuals with disabilities and their assistive devices.”

DISCUSSION

I. Proper Craft or Class

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. *United Parcel Serv. Co.*, 30 NMB 84 (2002); *Frontier Airlines, Inc.*, 29 NMB 28 (2001); *United Airlines, Inc.*, 28 NMB 533 (2001); *US Airways, Inc.*, 28 NMB 104 (2000). The factor of work-related community of interest is

particularly important. *Continental Airlines, Inc./Continental Express, Inc.*, 26 NMB 143 (1999); *LSG Lufthansa Servs., Inc.*, 25 NMB 96 (1997); *Airborne Express, Inc.*, 9 NMB 115 (1981). The Board makes craft or class determinations case by case, based upon Board policy and precedent. *US Airways, above*; *USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988).

The Board has examined the proper scope of the craft or class of Mechanics and Related Employees in numerous decisions. *United Parcel Serv. Co., above*; *US Airways, above*; *United Parcel Serv. Co.*, 27 NMB 3 (1999); *Allegheny Airlines, Inc.*, 26 NMB 487 (1999). In *United Airlines, Inc.*, 6 NMB 134 (1977), the Board, quoting *Nat'l 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 as follows: Washing and cleaning airplane, engine and accessory parts in overhaul shops; fueling of aircraft and ground equipment, maintenance of ground equipment; maintenance of buildings, hangars and related equipment; cleaning and maintaining the interior and exterior of aircraft; servicing and control of cabin service equipment; air conditioning of aircraft; cleaning of airport hangars, building, hangar and ramp equipment.
- C. Plant maintenance personnel—including employees who perform work consisting of repairs, alterations, additions to and maintenance of buildings, hangars, and the repair, maintenance and operation of related equipment including automatic equipment.

In *United, above*, the Board noted that employees performing cabin servicing, cleaning aircraft and exteriors, and general maintenance/janitorial functions, were part of the Mechanics and Related Employees craft or class.

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.*, 4 NMB 54, 63 (1965) (emphasis added). See also *US Airways*, 28 NMB 50 (2000); *Federal Express Corp.*, 20 NMB 360 (1993).

The Board has included classifications other than mechanics in the Mechanics and Related Employees craft or class. *United Parcel Serv. Co.*, 30 NMB 84 (2002) (Editors and ATA Specialists); *US Airways, Inc.*, 28 NMB 104 (2000) (Program Specialists); *US Airways*, 28 NMB 50 (2000) (Quality Assurance Consultants); *United Parcel Serv. Co.*, 27 NMB 3 (1999); *Allegheny Airlines Inc.*, 26 NMB 487 (1999) (Maintenance Controllers).

Appearance Agents clean the aircraft cabin and stock the cabin with safety cards, magazines, lavatory supplies, pillows and blankets. Cleaners are responsible for the daily interior cleaning and exterior washing of aircraft. In addition, Cleaners are responsible for parts cleaning of Base Maintenance, support shops, and facilities cleaning as needed.

Although Appearance Agents may assist in the boarding and deplaning of disabled individuals, the majority of their work is maintenance related. Cleaners also perform maintenance-related work. Therefore, the Board finds that

Appearance Agents and Cleaners share a work-related community of interest with the craft or class of Mechanics and Related Employees.

II. Accretion

The Board's broad discretion to determine the manner in which it conducts investigations in representation disputes was upheld conclusively in *Bhd. of Ry. and S.S. Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965). The Court held that in determining choice of employee representative, the RLA "leaves the details to the broad discretion of the Board with only the caveat that it 'insure' freedom from carrier interference." *Id.* at 669.

In *Ross Aviation, Inc.*, 22 NMB 89 (1994), the Board dismissed the Organization's application stating that an election was unnecessary because the employees at issue were already covered by Board certification. Since then, the Board has consistently followed this policy when it finds that particular job functions are traditionally performed by members of a certified craft or class. *United Parcel Serv. Co.*, *above*; *Frontier Airlines, Inc.*, 29 NMB 28 (2001); *US Airways*, *above*.

The Board does not base its accretion determinations upon showing of interest, but rather work-related community of interest. However, the Board requires all applications in representation matters to be supported by an adequate showing of interest. In this case, the IBT submitted an adequate showing of interest.

CONCLUSION

The Board finds that Frontier's Appearance Agents and Cleaners are covered by the certification in NMB Case No. R-6823. As there is no basis for further investigation, File No. CR-6795 is converted to NMB Case No. R-6970 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.

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