



**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  
  
AIRTRAN AIRWAYS, INC.

31 NMB No. 12

CASE NOS. R-6978  
and R-6979  
(File Nos. CR-6796  
and CR-6797)

FINDINGS UPON  
INVESTIGATION-  
DISMISSAL

November 17, 2003

This decision addresses the applications of the International Brotherhood of Teamsters, Airline Division (IBT or Organization) alleging representation disputes pursuant to the Railway Labor Act<sup>1</sup> (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among the Maintenance Planners and Technical Support Specialists at AirTran Airways, Inc. (AirTran or Carrier). The IBT is the certified representative of the Mechanics and Related Employees on AirTran. (NMB Case No. R-6455). The IBT asserts that both the Maintenance Planners and the Technical Support Specialists are part of the Mechanics and Related Employees craft or class.

For reasons set forth below, the National Mediation Board (Board) finds that the Maintenance Planners and Technical Support Specialists are already covered by the IBT's

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<sup>1</sup> 45 U.S.C. § 151, *et seq.*

certification. Accordingly, the Board dismisses the applications.

### PROCEDURAL BACKGROUND

On July 31, 2003, the IBT filed an application alleging a representation dispute involving the Maintenance Planners at AirTran. This application was assigned NMB File No. CR-6796 and Susanna F. Pequignot was assigned as the Investigator.

On July 31, 2003, the IBT filed an application for an accretion of the Technical Support Specialists to the craft or class of Mechanics and Related Employees. This application was assigned NMB File No. CR-6797 and Susanna F. Pequignot was assigned as the Investigator.

Per IBT's request, the Investigator granted IBT and AirTran an extension in both matters until Monday, August 25, 2003, to file their initial position statements. On August 18, 2003, AirTran submitted two separate initial position statements relating to CR-6796 (Maintenance Planners) and CR-6797 (Technical Support Specialists).

On August 25, 2003, IBT submitted a single initial position statement in support of both applications.

On September 8, 2003, AirTran filed a second position statement for both file CR-6797 and file CR-6796.

On October 3, 2003, Cristina A. Bonaca was re-assigned as the Investigator in both cases.

### ISSUES

Are AirTran's Maintenance Planners and Technical Support Specialists part of the Mechanics and Related Employees craft or class?

Are AirTran's Maintenance Planners and Technical Support Specialists management officials?

CONTENTIONS

IBT

IBT contends that Maintenance Planners and Technical Support Specialists share a work-related community of interest with the Mechanics and Related Employees craft or class, therefore, an accretion election is unnecessary.

In its position statement, the IBT described the primary responsibilities of a Maintenance Planner. IBT contends that Maintenance Planners forecast what maintenance needs to be performed on a particular aircraft, and determine where that maintenance will be performed. According to IBT, Maintenance Planners communicate daily with other maintenance personnel to confirm that maintenance stations have sufficient manpower, and also forecast and schedule vendor support for heavy maintenance checks.

The IBT asserts that AirTran's Technical Support Specialists' main duty is to troubleshoot maintenance programs on aircraft and provide technical advice and direction to mechanics in fixing those problems. In addition, the Technical Support Specialists regularly work with mechanics to solve particularly troublesome maintenance problems.

IBT argues that neither the Maintenance Planners nor Technical Support Specialists are management officials. The Organization further argues that neither the Maintenance Planners nor Technical Support Specialists: 1) supervise any employees; 2) have the authority to hire, fire or discipline any carrier employees or provide input about such decisions; 3) have the authority to grant or approve overtime; 4) provide input or take part in the formation of Carrier policy; or 5) have the authority to commit Carrier funds.

AirTran

AirTran asserts that the Maintenance Planners and Technical Support Specialists should not be accreted into the Mechanics and Related Employees craft or class. Instead, AirTran argues that the Maintenance Planners and the Technical Support Specialists are properly part of the craft or class of Office and Clerical employees.

In the alternative, AirTran alleges that both the Maintenance Planners and the Technical Support Specialists are management officials, and thus, may not be organized by any labor organization.

AirTran argues that Maintenance Planners are not properly part of the craft or class of Mechanics and Related Employees. AirTran points to the fact that Maintenance Planners work in an office at the Carrier's headquarters, rather than performing duties at one of the maintenance bases or stations. The Carrier argues that no community of interest exists between AirTran's Mechanics and Related Employees and Maintenance Planners, because only two of the six AirTran Maintenance Planners possess A & P (Airframe and Power) licenses; a license which is required for all AirTran Mechanics. Further, the Carrier contends that both AirTran and the IBT require, per their collective bargaining agreement, that "all persons covered by the craft and class of Mechanics and Related possess an A & P license." Therefore, AirTran argues that an accretion of the Maintenance Planners into the Mechanics and Related Employees craft or class would result in those employees without A & P licenses losing their jobs.

Further, AirTran contends that the Maintenance Planners are management officials because they commit Carrier funds by scheduling and planning maintenance, often work by themselves with no direct supervision, and are compensated as management officials.

AirTran additionally asserts that although the Technical Support Specialists often work with Mechanics, "they are not

allowed to perform any actual maintenance work on aircraft.” In support of its argument that the Technical Support Specialists are management officials, the Carrier states that the Technical Support Specialists: determine the appropriate actions to be taken to resolve difficult maintenance problems; have discretion to determine how maintenance discrepancies will be resolved, which amounts to committing Carrier funds as “these actions . . . involve the removal of aircraft from the operating schedule, the removal of costly parts and components from aircraft, the determination of additional maintenance actions, and the determination of where those maintenance actions will occur”; often work by themselves with no direct supervision; and are compensated as management officials.

Finally, AirTran contends that accretion is improper because many of the employees involved were not advised that there is no election when the accretion doctrine is applied. AirTran did not provide any evidence in support of this contention.

#### 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.

AirTran 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.

IBT provided the following job descriptions from AirTran’s General Maintenance Manual:

Maintenance Planner

Responsibilities:

Forecasts and schedules workload requirements for daily activities, heavy checks and drop-in aircraft.

Technical Support Specialist

Responsibilities:

- a. Assists Technicians in troubleshooting aircraft discrepancies.
- b. Establishes corrective action for items identified but not limited to advise, alert and chronic items per Standard Practice 8221.
- c. Formulates troubleshooting procedures and ensures they are entered into CDCS for Technicians to follow.

- d. Ensures the use of safe maintenance practices.
- e. Updates the Atlanta Shift Manager on the status of the aircraft they are working and maintains department Shift Turnover Logs.
- f. Assists and provides OJT to Maintenance Training, Line Maintenance Shift Managers, Line Maintenance Supervisors/Lead Mechanics and Technicians on the proper use of AirTran's test equipment.
- g. Assists Maintenance Control in troubleshooting and expediting repairs of out of service aircraft.
- h. Travels to meet aircraft with ongoing maintenance discrepancies to better facilitate corrective action plans and repairs.

II.

In addition, IBT submitted declarations from one Maintenance Planner and one Technical Support Specialist in support of its positions.

On August 24, 2003, a Maintenance Planner asserted:

1. The general duty of a Maintenance Planner is to forecast and schedule required maintenance on aircraft for inspections, checks or visits. Maintenance Planners determine what maintenance needs to be performed on aircraft and determine at which carrier station the maintenance will be performed. Maintenance Planners will then move the aircraft on a schedule so that it will be available for the scheduled maintenance at the correct location.

2. In order to confirm the Carrier's maintenance stations have the required manpower available, Maintenance Planners are in frequent daily contact with Maintenance Supervisors, leads and managers at each station.
3. Maintenance Planners will also forecast and schedule vendor support for heavy maintenance checks that the Carrier's regular maintenance operations cannot handle.
4. Maintenance Planners report to Jim Buckalew, the Director of Planning and Control. Maintenance Planners do not supervise any employees.
5. Maintenance Planners do not have the authority to hire, fire, or discipline Carrier employees nor do they have input into these decisions.
6. Maintenance Planners do not have the authority to grant or approve overtime. In fact, all Maintenance Planners must have their own overtime approved by the Director of Planning and Control or his supervisor.
7. Maintenance Planners provide no input and take no part in the formation of Carrier policy.
8. Maintenance Planners do not have the authority to commit Carrier funds. They also do not have signature authority to bind the Carrier.

On August 23, 2003, a Technical Support Specialist asserted:

1. The general duty of Tech Support is to troubleshoot maintenance problems on aircraft and provide technical advice and direction to the Carrier's mechanics if fixing those problems.



In order to complete their duties, Tech Support often work hand-in-hand on a daily basis with the Carrier's mechanics to solve particularly troublesome maintenance problems.

2. Tech Support report to the Manager of Technical Support. Tech Support do not supervise any employees.
3. Tech Support do not have authority to hire, fire, or discipline any Carrier employees nor do they have input into these decisions.
4. Tech Support do not have the authority to grant or approve overtime. In fact, all members of Technical Support must have their own overtime approved by the Manger of Technical Support or his superior.
5. Tech Support provide no input and take no part in the formation of Carrier policy.
6. Tech Support do not have the authority to commit Carrier funds. They do not have signature authority to bind the Carrier.

The Carrier did not provide any evidence in support of its contentions.

## 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). It is particularly important that the employees share a work-related community of interest. *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 on a case by case basis, relying 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, Inc., 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 *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, radio or accessory equipment.

B. Ground service personnel who perform work generally described as follows: Washing and cleaning airplane, engine and accessory parts in overhaul shops; fueling of aircraft and ground equipment; maintenance of ground and ramp 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, buildings, 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.

“The 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). It is this “functional” connection between mechanic classifications and those employees performing related maintenance operations that has historically formed a basis for their identity as a single craft or class. *Id.* See also *Federal Express Corp.*, 20 NMB 360 (1993).

Precedent demonstrates the Board’s inclusion of 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); *United Airlines, Inc.*, 28 NMB 533 (2001) (Maintenance Planners, Controllers, and Technical Specialists); *US Airways, Inc.*, 28 NMB 104 (2000) (Program Specialists); *Allegheny Airlines, Inc.*, 26 NMB 487 (1999) (Maintenance Controllers).

#### A. Maintenance Planners

The Board has consistently found employees who perform duties similar to those of AirTran’s Maintenance Planners properly part of the craft or class of Mechanics and Related employees -- based on a work-related community of interest. *Hawaiian Airlines, Inc.*, 29 NMB 308, 315 (2002); *United Airlines, Inc.*, *above* at 563-64; *US Airways*, 28 NMB 104, 142-44 (2000). The record establishes that AirTran’s Maintenance Planners forecast and schedule maintenance for aircrafts.

In *Hawaiian Airlines, Inc.*, *above*, the Board found that Maintenance Planners were properly part of the craft or class of Mechanics and Related Employees, stating that the evidence clearly established that Maintenance Planners “[s]upport, control, coordinate . . . and generally direct the maintenance of Hawaiian’s fleet. This is work traditionally performed by the Mechanics and Related Employees craft or class.” *Id.* at 310-311.

In *United Airlines, Inc., above*, the Board found that Maintenance Planners were properly part of the Mechanics and Related craft or class. United's Aircraft Maintenance Planners "analyze[d] workload forecasts and . . . develop[ed] plans for manpower, parts, equipment or documentation needed to satisfy the requirements of aircraft maintenance elements." *Id.* at 557. Relying on *US Airways, Inc., above*, the Board found that as the Maintenance Planners perform many maintenance-related functions, they were properly part of the Mechanics and Related Employees craft or class. *Id.* at 558. *See also United Airlines, Inc.*, 30 NMB 163 (2002) (Planners created maintenance plans, monitored station workloads, managed OTR aircraft, and communicated with Maintenance Managers about maintenance and aircraft irregularities; Board held they were part of Mechanics and Related craft or class); *US Airways, Inc.*, 28 NMB 104 (2000) (Planners planned and forecasted maintenance requirements and checks, and directly communicated with maintenance planning department counterparts, thus were properly part of Mechanics and Related).

The fact that some AirTran Maintenance Planners do not have an A & P license is not determinative as to whether they are part of the Mechanics and Related Employees craft or class, as the Maintenance Planners are clearly performing the maintenance function, and other groups properly in Mechanics and Related are not required to have the license. In *Frontier Airlines, Inc.*, 29 NMB 28, 31 (2001), the carrier argued that Tool Room Attendants were not properly part of the craft or class of Mechanics and Related Employees because, "they are not required to have an Aircraft and Power license and do not conduct any actual aircraft maintenance. . . ." The Board held that Tool Room Attendants did share a work-related community of interest with the Mechanics and Related, because they were found to be plant maintenance personnel. *Id.* at 37. In addition, the language in the collective bargaining agreement has no bearing on the job positions appropriately included in the craft or class.

Based on the foregoing, the Board finds that Maintenance Planners share a work-related community of interest with the craft or class of Mechanics and Related Employees.

B. Technical Support Specialists

The Board also has found employees who perform functions similar to those of AirTran's Technical Support Specialists are part of the Mechanics and Related Employees craft or class. See *American Airlines, Inc.*, 29 NMB 400, 402-03 (2002); *Allegheny Airlines, Inc.*, 6 NMB 359, 364-65 (1977). The record establishes that AirTran's Technical Support Specialists' main duty is to troubleshoot maintenance programs on aircraft and to provide technical advice and direction to mechanics.

In *Allegheny Airlines, Inc.*, above, the Board held that Technical Specialists were properly included in the craft or class of Mechanics and Related Employees. *Id.* at 365. The Technical Specialists, "assist[ed] both operating and non-operating personnel in trouble-shooting and correcting aircraft mechanical problems . . . ." *Id.* at 361. The Board held that, "the preponderance of evidence in this case indicates that the Technical Specialists . . . . perform an essential support function to the mechanic and related personnel who are engaged in the actual maintenance and servicing of aircraft and equipment." *Id.* at 364-365.

The Board in *American Airlines, Inc.*, above, found that Technical Specialists were properly part of the craft or class of Mechanics and Related Employees. Similar to the Technical Support Specialists at issue here, the Technical Specialists in *American*, "[p]rovide[d] technical advice and direction on aircraft structural, mechanical, electrical, electronic, avionics, and power plant systems problems." *Id.* at 402.

Based on the foregoing, the Board finds that Technical Support Specialists share a work-related community of interest with the craft or class of Mechanics and Related Employees.

## II. Management Officials

Section 9.211 of the Board's Representation Manual (Manual) provides guidance in determining when an employee is a management official. Factors considered are: (1) "whether the authority exercised is circumscribed by operating and policy manuals; (2) the placement of the individual in the organizational hierarchy of the carrier; and (3) any other relevant factors regarding the individual's duties and responsibilities."

The Manual also outlines the key responsibilities of management officials, including: "(1) the authority to dismiss and/or discipline employees or to effectively recommend the same; (2) the authority to supervise; (3) the ability to authorize and grant overtime; (4) the authority to transfer and/or establish assignments; (5) the authority to create carrier policy; and (6) the authority to commit carrier funds."

The Board has stated that, "while there are certain factors indicating some level of authority, when all factors are viewed cumulatively the individuals at issue generally are first-line supervisors, not management officials." *USAir, Inc.*, 24 NMB 38, 41 (1996). *See also Pan American World Airways, Inc.*, 5 NMB 112, 115 (1973) (the factors the Board examines are considered cumulatively).

In a recent Board decision involving AirTran, the Board held that the Carrier's Maintenance Controller Supervisors were not management officials. *AirTran Airways, Inc.*, 28 NMB 603, 619 (2001). The Board's decision was based on the record which established that the Supervisors did not "assign work, approve overtime, discipline, hire, formulate policy, or commit Carrier funds." *Id.* at 619-620. AirTran's Maintenance Planners and Technical Support Specialists share many similar functions with AirTran's Maintenance Controllers.

AirTran asserts that the Maintenance Planners are management officials because they commit Carrier funds when

they schedule and plan maintenance, “which translates into the authorization of overtime, the payment to third party vendors, and the direct and indirect costs of maintenance.” AirTran also contends that Maintenance Planners often work by themselves with no direct supervision, and are compensated as management officials.

IBT’s declarant testified that Maintenance Planners report to the Director of Planning and Control and do not supervise any employees. He also testified that Maintenance Planners do not have the authority to grant or approve overtime. In fact, “all Maintenance Planners must have their own overtime approved by the Director of Planning and Control or his supervisor.” Finally, the declarant stated that Maintenance Planners do not have the authority to commit Carrier funds.

AirTran argues that Technical Support Specialists commit Carrier funds when resolving maintenance problems, often work by themselves, and are compensated as management officials. However, IBT’s declarant testified that Technical Support Specialists do not have the authority to commit Carrier funds, do not supervise any employees, and report to the Manager of Technical Support.

The record in this case does not establish that AirTran’s Maintenance Planners and Technical Support Specialists are management officials. There is no evidence that these individuals commit large amounts of Carrier funds. Further, there is no evidence that they have the authority to discipline, supervise, create Carrier policy, or assign work. Even assuming that AirTran is correct in its assertions that Maintenance Planners commit Carrier funds and, in effect, authorize overtime in their maintenance planning duties, and that the Technical Support Specialists can commit minor amounts of Carrier funds, this is insufficient to establish that they are management officials. *See United Airlines, Inc.*, 30 NMB 163, 172 (2002) (Board considered evidence cumulatively and found that Maintenance Planners were not management officials); *See also Hawaiian Airlines, Inc.*, 29 NMB 308, 313

(2002) (While Maintenance Planners were found to exercise some discretion in the spending of carrier funds, the expenditures were not large enough, nor frequent enough to qualify as an indicia of management authority).

When the Board considers the evidence cumulatively, it finds that AirTran's Maintenance Planners and Technical Support Specialists are not management officials.

### III. Accretion

The Board's broad discretion to determine the manner in which it conducts investigations in representation disputes was upheld conclusively in *Brotherhood 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 668-669.

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. *Frontier Airlines, Inc.*, 29 NMB 28 (2001); *US Airways, Inc.*, 28 NMB 104 (2000); *United Parcel Serv. Co.*, 27 NMB 3 (1999).

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 Board investigated the showing of interest and determined that accretion is appropriate.



CONCLUSION

The Board finds that AirTran's Maintenance Planners and Technical Support Specialists are covered by the certification in NMB Case No. R-6455. As there is no basis for further investigation, NMB Files No. CR-6796 and CR-6797 are converted to NMB Case Nos. R-6978 and R-6979 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.

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