



**NATIONAL MEDIATION BOARD**

WASHINGTON, DC 20572

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In the Matter of the  
Application of the

INTERNATIONAL ASSOCIATION  
OF MACHINISTS & AEROSPACE  
WORKERS, AFL-CIO

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

involving employees of

AIRCRAFT SERVICE  
INTERNATIONAL GROUP

31 NMB No. 108

CASE NOS. R-7023  
and R-7024  
(File No. CR-6843)

FINDINGS UPON  
INVESTIGATION

September 3, 2004

This decision addresses the application of the International Association of Machinists & Aerospace Workers, AFL-CIO (IAM or Organization) alleging a representation dispute pursuant to the Railway Labor Act<sup>1</sup> (RLA or Act), 45 U.S.C. § 152 Ninth (Section 2, Ninth), among “Fuelers and Ground Handlers” employed by Aircraft Service International Group (ASIG or Carrier) at Tampa Airport in Tampa, Florida. At the time this application was received these employees were not represented by any organization or individual.

For the reasons set forth below, the National Mediation Board (Board) concludes that the appropriate system for employees covered by the application is all of ASIG’s operations and is not limited to its Tampa facility. The Board further

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

concludes that Fuelers and Ground Handlers do not constitute an appropriate craft or class, but are two separate crafts or classes.

### PROCEDURAL HISTORY

On March 4, 2004, IAM filed an application alleging a representation dispute involving the Fuelers and Ground Handlers at Carrier's Tampa Airport facility. This application was assigned NMB File No. CR-6843 and Maria-Kate Dowling was assigned as the Investigator.

On March 25, 2004, the Carrier filed its initial position statement. On April 5, 2004, IAM filed a response to the Carrier's position statement.

On May 26, 2004, in response to the Investigator's May 13, 2004 letter, the Carrier submitted affidavits supporting its initial position statement. IAM filed a response to this submission on June 16, 2004. On July 29, 2004, the Carrier submitted additional information in response to the Investigator's July 20, 2004 request.

### ISSUES

What is the appropriate system for employees covered by the application?

Do Fuelers and Ground Handlers constitute an appropriate craft or class?

### CONTENTIONS

#### ASIG

ASIG asserts that the application is deficient as to both the geographic scope of the system and the composition of the craft or class and should therefore be dismissed. With regard to the system issue, ASIG argues that by seeking to represent just the Tampa-based employees, the IAM ignores the Board's long-standing policy that representation disputes must

encompass employees throughout the Carrier's entire system regardless of their work location. ASIG states that the proper system is all of its operations throughout the United States because its labor and employment relations functions, as well as other management functions such as payroll, accounting, and sales are centrally controlled from its corporate headquarters. The Carrier also maintains nation-wide benefits such as health insurance and a 401K plan. Finally, its employees wear identical uniforms.

With regard to the appropriate craft or class, ASIG contends that "Fuelers and Ground Handlers" is not a craft or class recognized by the Board and that there is no reason in this case to depart from the Board's traditional determinations to create such a craft or class. According to the Carrier, ASIG's fuelers and ground handling employees do not share the requisite community of interest to justify their inclusion in a single craft or class since they perform distinct types of work for which they undergo different training. Further, the Carrier asserts that the two groups of employees have different supervisors in separate departments and receive different wages.

#### IAM

IAM asserts that the Carrier has not supported its contention that the proper scope of the system is ASIG's nation-wide system, since it has only provided a list of potential eligible voters at the Tampa facility. IAM also argues that ASIG's fuelers and ground handling employees are properly included in the same craft or class. According to IAM, a number of the duties that the Carrier states are performed by its ground handling employees – replenishing the aircraft water supply, servicing the lavatories, and cleaning the aircraft – are functions that have been included in the Mechanics and Related Employees craft or class. IAM further notes that the Board normally places fuelers in the Mechanics and Related Employees craft or class. Finally, IAM argues that the Carrier's own documentation establishes that the two groups of employees are subject to the same mid-level supervision, same

employment policies, and the same health insurance and 401K benefits.

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.

45 U.S.C. § 151, First, includes within the definition of a carrier “any company which is directly or indirectly owned or controlled by or under common control with any carrier.” ASIG has been found to be a common carrier as defined in 45 U.S.C. § 151, First, and § 181 of the Act. *Aircraft Serv. Int’l Group, Inc.*, 31 NMB 361, 370 (2004); *Signature Flight Support of Nevada*, 30 NMB 392, 399 (2003).<sup>2</sup>

II.

IAM is a labor organization or representative as provided by 45 U.S.C. § 151, Sixth, and 152, Ninth, of the Act.

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

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<sup>2</sup> Neither participant has contested the Board’s jurisdiction over ASIG.

who may participate as eligible voters in the event that an election is required.

### STATEMENT OF FACT

ASIG's corporate headquarters are located in Orlando, Florida. ASIG provides various services to commercial air carriers at approximately 60 airports across the country. At almost all of these locations, ASIG performs fueling and/or ground handling.

### Nation-wide Operation

ASIG's labor and employment relations functions are centrally controlled from Orlando. Ron Zunk is ASIG's Vice President of Human Resources. According to Zunk, ASIG has four Regional Human Resources Managers who report directly to him and approximately 17 Station Human Resources Managers who report to the Regional Managers. All collective bargaining is conducted under the direction of Zunk. ASIG is represented at the negotiating table by the appropriate Regional Human Resources Manager and its outside legal counsel. The negotiators consult with more senior management during the process, and all collective bargaining agreements are approved at the corporate level.

ASIG also has a single employee handbook that applies corporate-wide to all employees regardless of location. Personnel matters are coordinated by the Regional Human Resource Managers and there is a list of specific matters on which Regional Human Resource Managers must be consulted by General Managers. Wage and benefit increases for non-union and management employees alike are decided by corporate headquarters.

ASIG maintains a nation-wide health insurance plan and a company-wide 401K plan in which employees throughout the country can participate. Employees who transfer from one location to another within the system retain their company seniority for vacation and 401K purposes. ASIG has a contract with a single vendor to provide identical uniforms to its

employees nation-wide. Although much of its training is dictated by the air carriers to which it provides service, ASIG has its own employee training which is developed at its corporate office in Orlando.

Management functions such as payroll, accounting and sales are also controlled out of Orlando. ASIG's payroll is administered by a vendor that is responsible for issuing payroll checks for all ASIG employees regardless of work location. ASIG's contracts with air carriers are almost always negotiated at the corporate level and all pricing in those contracts must be approved at the corporate level. ASIG also has a corporate tax department and a corporate legal department that provides services as needed to all of its locations. ASIG has "core agreements" with several air carriers that set forth the terms of the services that ASIG will provide for that carrier with riders setting forth any differences at specific airports. All marketing and advertising is done at the corporate level.

#### Appropriate Craft or Class

According to the declaration of Sam McClure, ASIG's Area General Manager with responsibility for the Carrier's operations at five Florida airports, Tampa, Melbourne, St. Petersburg, Sarasota, and Orlando, there are significant differences between the work performed by ground handling employees and the work performed by fuelers. Ground handlers at Tampa load and unload baggage, marshal and chock aircraft, replenish the aircraft water supply, service the lavatories, clean the aircraft, and position passenger stairs and jet ways to the aircraft. According to the job description for the "ground service" position, the essential duties and responsibilities include: loading and unloading baggage/cargo and checking-in baggage when required; chocking aircraft; connecting electrical power unit to aircraft; positioning passenger stairs/jetway to aircraft; replenishing water supply and servicing lavatories; connecting tow bar and tug for push back or towing aircraft; providing airstart and air-conditioning; operating headset/radio to provide communication between ground crew, flight crew, and tower; cleaning line equipment and ramp areas; and providing additional service as required.

The Carrier estimated that the percentage of time that a ground handler employee spends loading and unloading baggage and cargo would be between 40 and 70 percent depending on the station. The Carrier, however, stated that there are no documents that would reflect this breakdown.

Fuelers fuel aircraft for ASIG's commercial airline customers. McClure states that ground handling employees never perform the job of a fueler and, only on very rare occasions, will a fueler perform ground handling functions.

Based on their different duties, the two groups of employees receive different training. Because of Federal Aviation Administration (FAA) regulations, ASIG's commercial airline customers require that the fuelers complete airline-approved training programs. This is accomplished through ASIG's "train the trainer" program. Under this program, the airline trains one or more ASIG employees who becomes authorized to train other employees on the airline's fueling procedure and to certify that employees have been trained. After their initial hiring, all ASIG fuelers complete a two-week training course on airline specific procedures as well as ASIG's procedures. Fuelers also undergo recurrent training. In contrast, ground handling employees go through a separate training program that McClure describes as "much less involved" than fueling training.

Fuelers and ground handling employees are in different departments. Fuelers are in the Fuel Department while ground handling employees are in the Ramp department. These two employee groups also report to different supervisors. Ground handling employees report to ramp supervisors; fuelers report to fuel shift supervisors. Fuelers and ground handling employees also receive different wages. Finally, ASIG pay rates include a "fueling differential" so that a fueler makes 80 cents more an hour than a ground handling employee with the same seniority.

## DISCUSSION

### I. Scope of the System

Section 2, Ninth, of the Act provides for representation of employees or subordinate officials on a craft or class basis. The Board has consistently held that such representation must be on a system-wide basis. The craft or class must include all of the employees working in the classification deemed eligible, regardless of work locations. *National R.R. Passenger Serv. Corp.*, 31 NMB 178, 189 (2004); *LSG Lufthansa Servs., Inc.*, 25 NMB 96, 108 (1997); *Int'l Total Servs.*, 20 NMB 537, 544 (1993).

The Board's practice is to conduct elections across a carrier's entire system. See *Summit Airlines Inc. v. Local 295*, 628 F.2d 787, 795 (2nd Cir. 1980). *America West Airlines, Inc.*, 16 NMB 135, 141 (1984). Early in its history, the Board stated its practice that:

The Railway Labor Act does not authorize the National Mediation Board to certify representatives of small groups of employees arbitrarily selected. Representatives may be designated and authorized only for the whole of a craft or class employed by a carrier.

*Pennsylvania R.R. Co.*, 1 NMB 23, 24 (1937).

This practice was extended to the airline industry when the RLA was extended to cover that industry in 1936. See *Ross Aviation, Inc.*, 5 NMB 145, 148 n. 5 (1972) (noting the requirement that representation issues be resolved on a carrier-wide basis.)

When determining the scope of a carrier's system, the Board examines the extent of the consolidation of operations, labor relations, and payroll functions. *Ogden Union Ry. and Depot Co.*, 16 NMB 398, 404 (1989). The Board also examines how the carrier or carriers are held out to the public, including



how the carrier(s) advertise services, and the identity indicated on signs, logos, or other publicly visible indicia. *Sapado I a/k/a Dobbs Int'l Serv., Inc.*, 19 NMB 198, 205 (1992).

Based upon the facts of this case, the ASIG's Tampa facility is not a separate system for the purposes of Section 2, Ninth. ASIG's management services, including payroll, accounting, and sales are centralized in Orlando, Florida. Similarly, ASIG's labor relations and human resources for all facilities are determined and coordinated from its corporate headquarters in Orlando. ASIG's health insurance and 401K plans apply to all employees regardless of location and employees who transfer within the system retain seniority for vacation and 401K purposes. ASIG employees nation-wide wear identical uniforms. Employee training is also centrally developed. ASIG maintains corporate tax and legal departments that provide the necessary services to all locations. ASIG also has "core agreements" with several carriers that set forth the terms of the services it provides.

## II. Proper Craft or Class

The Board makes craft or class determinations on a case-by-case basis, relying on Board policy and precedent. *US Airways, Inc.*, 28 NMB 104 (2000); *USAir*, 15 NMB 369 (1988). Fuelers have long been held by the Board to be included in the craft or class of Mechanics and Related Employees.

In *National Airlines, Inc.*, 1 NMB 423, 428-429 (1947), the Board articulated the following definition of the Mechanics and Related Employees craft or class:

- A. Mechanics who perform maintenance work on aircraft, engine, radio, or accessory equipment.
  
- B. Grounds 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.

In the years since this decision, the craft or class findings for Mechanics and Related Employees have not been seriously challenged. On the contrary, throughout the industry this grouping of employees constitutes the prevailing pattern for representation in collective bargaining relationships between carriers and unions. In the instant case, the Carrier and the Organization agree that ASIG's fuelers are properly placed in the Mechanics and Related Employees craft or class. The issue then becomes whether ASIG's ground handling employees are properly placed in that craft or class.

Traditionally, the Board considers employees who perform functions such as baggage and cargo handling and positioning passenger stairs and jetways to be part of the Fleet Service Employees craft or class. *United Air Lines, Inc.*, 22 NMB 12 (1994). The Board has noted that functions of fleet service employees are operational and of a non-mechanical nature. *United Airlines, Inc.*, 6 NMB 134, 141 (1977) (quoting *National Airlines*, 1 NMB 423, 435 (1947)).

In the instant case, the position description for ASIG's ground service employees establishes that these employees not only perform duties repeatedly found to be included in the Fleet Service Employees craft or class but also many functions such as replenishing aircraft water supply, servicing the lavatories and cleaning the aircraft that the Board has found to be encompassed by the Mechanics and Related Employees craft or class. *United Air Lines, above; Northwest Airlines, Inc.*, 22 NMB

29, 36 (1994). The Carrier asserts that, depending on the location and the nature of the contract with the airline at that location, ground service employees spend between 40 and 70 percent of their time performing baggage and cargo handling duties. However, the Carrier offered no documentation in support of this assertion.

In making its craft and class determinations, the Board also considers a number of factors besides work classification. These factors include functional integration, terms and conditions of employment, and work related community of interest. *Nat'l R.R. Passenger Corp.*, 31 NMB 178, 186-87 (2004); *United Parcel Serv. Co.*, 30 NMB 84, 92 (2002); *Frontier Airlines, Inc.*, 29 NMB 28, 36 (2001). It is particularly important that employees share a work-related community of interest. *Nat'l R.R. Passenger Corp. above*; *Continental Airlines, Inc./Continental Express, Inc.*, 26 NMB 143, 151 (1999); *LSG Lufthansa Servs., Inc.*, 25 NMB 96, 108 (1997). A particular grouping of employees must possess a sufficiently distinct community of interest and commonality of functional characteristics to ensure a mutuality of interest in the objective of collective bargaining. *Airborne Express, Inc.*, 9 NMB 115, 121 (1982) (citing *Continental Airlines, Inc.*, 8 NMB Supp. A. (1977)).

Although ASIG fuelers and ground service employees have certain terms and conditions in common such as health insurance and the 401K plan, the general nature of their work, their skills, their training, and their responsibilities are different. There is no interchange between the two groups. According to the Carrier, while fuelers on "rare occasion" perform ground handling functions, employees in ground service positions do not perform fueling functions. Fuelers are required to complete periodic recurrent training. Ground handling employees are not. Finally, these two groups of employees have different immediate supervisors and receive different wages.

Having considered the facts of this case, the Board concludes that although the ground handling employees perform some functions that are included in the Mechanics and Related Employees craft or class, their primary responsibilities are functions traditionally considered part of the Fleet Service Employees craft or class.

CONCLUSION

For the reasons stated above, the Board finds that the proper system for representation under the RLA includes all ASIG's facilities nation-wide. ASIG's Tampa facility does not constitute a proper system by itself. The Board further finds that the proper crafts or classes for the "Fuelers and Ground Handlers" are: Mechanics and Related Employees, and Fleet Service Employees. Therefore, NMB File No. CR-6843 has been converted to NMB Case No. R-7023-Mechanics and Related Employees, and R-7024-Fleet Service Employees.

Consistent with the direction of the Board's March 4, 2004 docket letter, for each craft or class, ASIG must provide the Board by September 17, 2004 with: three copies of alphabetized Lists of Potential Eligible Voters, organized on a system-wide basis; one copy of the Lists on a diskette or CD as a Microsoft-Excel file; one set of signature samples for the eligible voters; and notice as to the last day of the last payroll period prior to March 4, 2004.

Once the Lists of Potential Eligible voters are provided, the Investigator will determine whether the IAM's showing of interest is sufficient or needs to be supplemented.

By direction of the NATIONAL MEDIATION BOARD.



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