



NATIONAL MEDIATION BOARD
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Re: NMB Case No. R-7087
Spirit Airlines, Inc.

Ladies and Gentlemen:

This determination addresses the July 17, 2006 appeal filed by the International Association of Machinists and Aerospace Workers, AFL-CIO (IAM or Organization), of

Investigator Kendrah Davis' eligibility ruling. For the reasons discussed below, the appeal is denied. The IAM's application is dismissed due to an insufficient showing of interest.

I. Procedural Background

On April 10, 2006, the IAM filed an application with the National Mediation Board (NMB or Board) pursuant to the Railway Labor Act¹ (RLA or Act), 45 U.S.C. § 152, Ninth (Section 2, Ninth), alleging a representation dispute involving the craft or class of Mechanics and Related Employees at Spirit Airlines, Inc. (Spirit or Carrier). On April 27, 2006, the Carrier provided a List of Potential Eligible Voters (List). On April 28, 2006, the Investigator directed the parties to file challenges and objections to the List by May 5, 2006.

On May 11, 2006, after requesting an extension, the IAM filed its challenges to the List. The Organization alleged, *inter alia*, that the following job classifications do not share a work-related community of interest with the Mechanics and Related Employees craft or class: Technical Librarians, Technical Writers, and Technical Writers II (Tech Pubs); Records Analysts and Senior Records Analysts (Records Analysts); Reliability Systems Analysts (RSAs); and Maintenance Instructors.

On May 25, 2006, Spirit filed its response to the IAM's challenges and stated that the challenged job titles do share a work-related community of interest with the Mechanics and Related Employees craft or class. On June 12, 2006, the IAM replied to Spirit's May 25, 2006 response. On June 21, 2006, Spirit submitted its response to the IAM's June 12, 2006 reply. On July 7, 2006, the Investigator ruled on the Organization's challenges and held that the challenged job classifications share a work-related community of interest with the Carrier's Mechanics and Related Employees craft or class, and that they remain properly on the List.² On July 17, 2006, the IAM filed

¹ 45 U.S.C. § 151, *et seq.*

² In a July 10, 2006 filing, the Carrier pointed to an inadvertent error in the eligibility ruling regarding the total number of potential eligible

its appeal to the Investigator's ruling. On July 26, 2006, the Board received Spirit's response to the IAM's appeal.

II. Investigator's Ruling

In its initial challenge, the IAM asserted that Spirit's Tech Pubs, Records Analysts, RSAs, and Maintenance Instructors do not share a work-related community of interest with the Mechanics and Related Employees craft or class based on, inter alia, work location and lack of regular direct contact with other employees in the craft or class. The IAM also asserted that Spirit's Records Analysts engage in functions related to Office Clerical Employees. The IAM asserted further that Spirit's Maintenance Instructors are a separate and distinct group. The Organization submitted a declaration from a Spirit Maintenance Controller to support its contentions.

The Organization also relied on the following NMB cases to contend that the above-job classifications are not properly part of the Carrier's Mechanics and Related Employees craft or class: *US Airways, Inc.*, 31 NMB 324 (2004) (Aircraft and Technical Purchasing Employees' connection with the Mechanics and Related Employees craft or class was too tenuous to find accretion appropriate); *Continental Airlines, Inc./Continental Airlines Express, Inc.*, 27 NMB 99 (1999) (Board found Flight Instructors constitute a separate and distinct craft or class; Board also found Ground Instructors are not included in the Flight Instructors craft or class); *US Airways*, 26 NMB 341 (1999) (Certification of the IAM as representative of Maintenance Training Specialists); *United Airlines, Inc.*, 26 NMB 169 (1999) (Certification of the IAM as representative of Maintenance Instructors).

In its response, Spirit stated, inter alia, that employees in the challenged job classifications share a work-related community of interest with the Mechanics because they interact closely with Mechanics, perform work essential to the

voters. According to the record, the correct number of potential eligible voters in this case is 216, and not 217 as previously stated.

maintenance function, and have regular contact with Mechanics. The Carrier provided declarations from its Director of Line Maintenance, Garret West, and Vice President for Technical Operations, John Prestifilippo. The Carrier also submitted job descriptions for the challenged positions. Citing *USA Jet Airlines, Inc.*, 31 NMB 287 (2004) (Board found Quality Control Employees are properly part of the Mechanics and Related Employees craft or class); *Airtran Airways, Inc.*, 31 NMB 45 (2003) (Board considered the functional connection as an important factor in determining proper craft or class); and *Federal Express Corp.*, 20 NMB 360 (1993) (Board found that small groups of Instructors may be properly included in the Mechanics and Related craft or class); the Carrier contends that the challenged job classifications are properly part of the Mechanics and Related Employees craft or class.

The Investigator found that the duties and responsibilities of Spirit's Tech Pubs include: assisting the Mechanics and Related Employees with questions about maintenance manuals and tasks; helping to process Document Modification Requests (DMRs); assisting in the preparation of reports to document maintenance program changes; and, publishing and distributing technical documents. The Investigator also found that Spirit's Records Analysts: help the Mechanics and Related Employees to ensure the correct application of Engineering Authorizations; prepare, distribute, and maintain the Carrier's maintenance records and reports; and, interact daily with the Mechanics and Related Employees at the hangar to retrieve various documents. The Investigator found further that Spirit's RSAs: interact regularly with Mechanics and Related Employees; assist with Repeat Item Notices (RINs); and, participate in troubleshooting functions with the Carrier's Mechanics and Related Employees. Lastly, the Investigator found that Spirit's Maintenance Instructors: have regular direct contact with Mechanics and Related Employees when traveling to the Carrier's 12 hangars; provide guidance on aircraft repairs; and, provide systems, procedures, and safety training.

The Investigator based her rulings on a review of the evidence and arguments submitted by the IAM and the Carrier. The evidence provided by Spirit includes job descriptions for the Tech Pubs, Records Analysts, RSAs, and Maintenance Instructors. The West and Prestifilippo declarations state that all of the job titles are very involved in aircraft maintenance and work closely with the Mechanics and Related Employees craft or class. The IAM declaration states that the challenged positions do not have regular direct contact with the Carrier's Mechanics and Related Employees.

III. IAM's Appeal & Spirit's Response

In its July 17, 2006 appeal, the IAM argues that Spirit's Tech Pubs, Records Analysts, RSAs, and Maintenance Instructors do not share a work-related community of interest with the Mechanics and Related Employees craft or class and should not remain on the List. Specifically, the IAM argues that individuals in these job classifications: do not have regular direct contact with the Mechanics and Related Employees; do not have a strong tie to the maintenance function; do not perform, schedule, or closely assist with the maintenance function; and, are not required to have any formal training or background in aircraft maintenance.

To support its appeal, the IAM also relies on: *US Airways, Inc.*, 31 NMB 324 (2004) (inclusion of "related" employees in the Mechanics and Related Employees craft or class is based on regular direct contact with the Mechanics and a strong tie to the maintenance function); *United Parcel Serv. Co.*, 30 NMB 84 (2002) (Board found Manual Editors and ATA Specialists were already covered by the IBT's Certification as representative of the Mechanics and Related Employees craft or class; therefore, accretion election was unnecessary); *US Air, Inc.*, 17 NMB 306 (1990) (Maintenance Instructors recognized as a distinct craft or class); *China Airlines, Ltd.*, 6 NMB 434 (1978) (Board determined that the Office Clerical Employees' basic concern is with the internal functioning of the carrier); *Eastern Air Lines, Inc.*, 5 NMB 94 (1971) (Board found that Instructors-Technical

and Instructors-Regional properly constitute a separate and distinct group for representation).

The IAM contends that the Investigator erred in ruling that the Tech Pubs employees have regular direct contact with Spirit's Mechanics and Related Employees craft or class. Relying on its declaration, the IAM contends that Tech Pubs work in office locations away from the airport and that the Mechanics and Related Employees rarely, if ever, submit DMRs to Tech Pubs. The IAM also contends that on the rare occasion when Mechanics and Related Employees do submit DMRs, the contact is limited to the Technical Writer sending an e-mail message acknowledging receipt. Relying on *United Parcel Serv., above*, the Organization contends that Spirit's Tech Pubs do not assist maintenance employees with technical questions, nor do they have previous hands on experience maintaining aircraft as the ATA Specialists at UPS. *Id.* at 94. Further, the Organization contends that Spirit's Tech Pubs do not have the same level of direct contact with Mechanics and Related Employees as UPS' Manual Editors. *Id.*

The IAM argues that the Investigator also erred in ruling that the Records Analysts share a work-related community of interest with Spirit's Mechanics and Related Employees craft or class because there is no daily interaction other than traveling to the hangar to pick up paperwork. The IAM contends that any discrepancies found by the Records Analysts are communicated to the station manager and not the Mechanics. Relying on *China Airlines, above*, the Organization asserts that all of the Records Analysts' duties involve maintaining the Carrier's maintenance records, which is quintessentially a function of Office Clerical Employees. Further, the Organization asserts that the duties of Records Analysts are not similar to Planners in *US Airways, Inc.*, 28 NMB 104 (2000), which were found to be part of the Mechanics and Related Employees craft or class.

The Organization also argues that the Investigator incorrectly ruled that Spirit's RSAs share a work-related community of interest with the Mechanics and Related

Employees craft or class based on their discussion of RINs and troubleshooting functions with the Mechanics. Relying on its declaration, the IAM asserts that publication and monitoring of RINs by RSAs is carried out almost exclusively by email directed to Spirit's management officials, as well as maintenance planning and maintenance control. The IAM contends that the RSA connection with Spirit's Mechanics and Related Employees is too tenuous to establish a work-related community of interest because such contact is indirect through Management and "Related" Employees, such as Maintenance Planners and Maintenance Controllers.

Lastly, the IAM argues that Spirit's Maintenance Instructors form a distinct craft or class of Instructors. Relying on *US Airways*, 26 NMB 341 (1999), *United Airlines, Inc.*, 26 NMB 169 (1999), and *Eastern Air Lines, Inc.*, 5 NMB 94 (1971), the IAM contends that based on 35 years of NMB precedent, the Board should find that Spirit's Maintenance Instructors properly constitute a separate and distinct craft or class.

The Carrier responded to the Organization's appeal on July 26, 2006. Spirit argues that the IAM premises its appeal on the contention that persons involved in the maintenance function must have "regular direct contact" with Mechanics and Related Employees in order to share a community of interest or have a strong tie to the maintenance function. Moreover, the Carrier notes that the job classifications challenged on appeal have the same or similar degree of contact with members of Spirit's Mechanics and Related Employees craft or class as many of the positions not challenged on appeal by the IAM. Further, the Carrier contends that the IAM's declaration fails to describe how the declarant arrived at its conclusions, and that even if the IAM declarant does not enjoy regular direct contact with persons in the challenged positions, others in the craft or class do interface with individuals in the challenged job classifications. The Carrier argues that the persons in the challenged positions are vital to supporting the maintenance function.

IV. Discussion

In representation cases, the burden of proof required to overrule an investigator's preliminary determination rests with the participant appealing that ruling. *Continental Airlines, Inc./Continental Express, Inc.*, 26 NMB 343, 349-50 (1999); *Atlantic Southeast Airlines, Inc.*, 23 NMB 23, 30 (1995).

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.*, 33 NMB 307 (2006); *USA Jet Airlines, Inc.*, 31 NMB 287 (2004); *Airtran Airways, Inc.*, 31 NMB 45 (2003). See also Section 9.1 of the Board's Representation Manual. The factor of work-related community of interest is particularly important. *US Airways, Inc.*, 31 NMB 324, 334 (2004). To evaluate this factor, the Board examines the actual duties and responsibilities for the employees, the environment in which the employees work, and the interaction among the employees involved. *American Airlines, Inc.*, 10 NMB 26, 39 (1982). The Board makes its craft or class determinations on a case-by-case basis. *US Airways, Inc.*, 28 NMB 104 (2000); *United Air Lines, Inc.*, 32 NMB 75 (2004). "Work location is not a determinant of craft or class." *Aloha Islandair, Inc.*, 21 NMB 314, 317 (1994).

In *United Airlines*, 6 NMB 134, 135 (1977), the Board, quoting *National Airlines, Inc.*, 1 NMB 423, 428-29 (1947), describes the composition of the Mechanics and Related craft or class, 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: 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. . . .

C. Plant Maintenance Personnel.

Further, the Board has stated that “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. . . .” *USA Jet Airlines, above*, at 295, quoting *Eastern Air Lines, above*, at 63. See also *US Airways*, 28 NMB 50 (2000); *Federal Express Corp.*, 20 NMB 360 (1993). 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. *Airtran Airways, above*, at 55.

The Board has included classifications other than Mechanics in the Mechanics and Related Employees craft or class. *USA Jet Airlines, above*, (Quality Control Employees); *Airtran Airways, above*, (Maintenance Planners, Controllers, and Technical Specialists); *United Parcel Serv. Co.*, 30 NMB 84 (2002) (Editors and ATA Specialists); *Federal Express, above* (Instructors); *World Airways*, 7 NMB 420 (1980) (Maintenance Training Instructor, Senior Technical Writer, Technical Writer, Production Planners, Specialist Avionics, and Specialist Sheet Metal); *Frontier Airlines, Inc.*, 7 NMB 84 (1979) (Specialist-Technical Training); *Allegheny Airlines, Inc.*, 6 NMB 359 (1977) (Technical Specialists and Planners).

Here, Spirit’s Tech Pubs employees produce and maintain the maintenance manuals on which the Mechanics rely; answer the Mechanic’s questions about the manuals; and maintain regular email contact with the Mechanics upon receiving and processing DMRs. While Tech Pubs work at off-site airport locations, there is at least one Mechanic from each of the Carrier’s 12 stations who is designated to be the Tech

Pubs coordinator to work with the Tech Pubs employees. The Board has found that employees with similar duties at other carriers are properly part of the Mechanics and Related Employees craft or class. *See United Parcel Serv., above; Airtran Airways, above; US Airways, above; World Airways, above; Allegheny Airlines, above.* Based on the evidence presented, Spirit's Tech Pubs employees share a work-related community of interest with the Mechanics and Related Employees craft or class.

At Spirit, Records Analysts' duties include: receiving documents from the Mechanics and Related Employees daily; preparing and issuing discrepancy notices to the Mechanics and Related Employees and communicating directly with them to find a resolution; helping the Mechanics and Related Employees at the hangar with entering certain data; and, reviewing the technical records and reports for completeness. This evidence establishes that the Carrier's Records Analysts perform work traditionally performed by employees in the Mechanics and Related Employees craft or class. *See USA Jet Airlines, above; US Airways, above; Ross Aviation, above.* For these reasons, the Carrier's Records Analysts share a work-related community of interest with the Mechanics and Related Employees craft or class.

Spirit's RSAs are involved in weekly meetings and troubleshooting sessions with the Mechanics and Related Employees about RINs. RSAs also monitor RINs, publish their findings, and suggest methods for troubleshooting with certain Mechanics and Related Employees when problems arise. RSAs review broader maintenance trends that are essential to the maintenance function and work with Mechanics and others in maintenance to find solutions. The Board has traditionally included employees with similar responsibilities in the Mechanics and Related Employees craft or class. *See Airtran Airways, above; Allegheny Airlines, above.* Based on the evidence submitted, Spirit's RSAs share a work-related community of interest with the Mechanics and Related Employees craft or class.

Spirit's Maintenance Instructors: teach courses to Mechanics and Related Employees at Spirit's headquarters and at other Spirit airport locations; possess A&P licenses; work directly with Mechanics and Related Employees on the floor by providing guidance with training on repairs associated with new aircraft; and, possess a minimum of five years experience with FAR 121 heavy jet transport maintenance. While the Board has recognized Maintenance Instructors as a separate craft or class on some carriers, it has also included small groups of maintenance instructors in the Mechanics and Related Employees craft or class. *See Federal Express, above; Frontier Airlines, above; World Airways, above.* The evidence presented establishes that Spirit's Maintenance Instructors share a work-related community of interest with the Mechanics and Related Employees craft or class.

Accordingly, Spirit's job classifications of Tech Pubs, Records Analysts, RSAs, and Maintenance Instructors have a sufficient connection with the maintenance function to share a work-related community of interest with the Carrier's Mechanics and Related Employees craft or class. As such, Spirit's Tech Pubs employees, Records Analysts, RSAs, and Maintenance Instructors will remain on the List.

V. Conclusion

The Board finds that the proper craft or class for the Carrier's Tech Pubs, Records Analysts, RSAs, and Maintenance Instructors is the Mechanics and Related Employees craft or class.

The investigation established that the IAM failed to support its application with the required number of authorizations from the employees in the craft or class, as set forth in 29 C.F.R. § 1206.2(b) of the Board's Rules.

Therefore, the Board finds no basis to proceed in this matter and the application is hereby dismissed subject to 29 C.F.R. 1206.4(b) of the Board's Rules.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in black ink that reads "Mary L. Johnson". The signature is written in a cursive style with a large initial 'M' and a long, sweeping underline.

Mary L. Johnson
General Counsel