



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the

**SOUTHWEST AIRLINES
EMPLOYEE ASSOCIATION**

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

involving employees of
SOUTHWEST AIRLINES

35 NMB No. 39

CASE NO. R-7165
(File No. CR-6928)

**FINDINGS UPON
INVESTIGATION –
DISMISSAL**

April 25, 2008

This determination addresses the application of Southwest Airlines Employee Association (SAEA or Organization) alleging a representation dispute pursuant to the Railway Labor Act¹ (RLA or Act), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among the Aircraft Maintenance Controllers and Aircraft Maintenance Field Technician Supervisors at Southwest Airlines (Southwest or Carrier). The SAEA is the certified representative of the Aircraft Dispatchers on Southwest. (NMB Case No. R-5363.) The SAEA asserts that the Maintenance Controllers and Field Technician Supervisors are part of the Aircraft Dispatchers craft or class. Southwest asserts that the Maintenance Controllers and Field Technician Supervisors are management officials, and therefore, cannot be organized, or, in the alternative, that the Maintenance Controllers and Field Technician Supervisors are part of the Mechanics and Related Employees craft or class. The Aircraft Mechanics Fraternal Association (AMFA) is the certified representative of the Mechanics and Related Employees on Southwest. (NMB Case No. R-6919.)

¹ 45 U.S.C. § 151, *et seq.*

For the reasons set forth below, the National Mediation Board (Board) finds that the Maintenance Controllers and Field Technician Supervisors at Southwest are not part of the Dispatchers' craft or class. Accordingly, the Board dismisses the application.

PROCEDURAL BACKGROUND

On December 26, 2007, the SAEA filed an application alleging a representation dispute involving the Maintenance Controllers and Field Technician Supervisors at Southwest. The application was assigned NMB File No. CR-6928 and Norman L. Graber was assigned as the Investigator.

On January 7, 2008, Southwest filed an initial position statement requesting that the Board dismiss the case because the Maintenance Controllers and the Field Technician Supervisors are management officials, or share a work related community of interest with the Mechanics and Related Employees craft or class which is already represented by AMFA.

On January 10, 2008, the Investigator granted the SAEA an extension until January 14, 2008 to file its initial position statement. On January 14, 2008, the SAEA filed an initial position statement in support of its application.

On January 16, 2008, Southwest filed a reply to the SAEA's initial position statement.

On January 30, 2008, the Investigator requested additional information from Southwest regarding the alleged status of the Maintenance Controllers and the Field Technician Supervisors.

On January 31, 2008, the Investigator granted Southwest an extension until February 8, 2008 to submit the additional information.

On February 1, 2008, the case was re-assigned to Investigator Sarah Halpin.

On February 8, 2008, Southwest provided the requested supplemental information.

ISSUE

Is the appropriate craft or class of Southwest's Maintenance Controllers and Field Technician Supervisors the craft or class of Dispatchers?

CONTENTIONS

SAEA

The SAEA asserts that this case should not be dismissed. First, the SAEA asserts that the Maintenance Controllers and Field Technician Supervisors are not management officials. Specifically, SAEA asserts that Maintenance Controllers and Field Technician Supervisors do not supervise any other employees, have no direct supervision of maintenance activities, do not consult with management on proposed changes to the Maintenance Procedures Manual, are not involved in counseling employees on performance issues, have no ability to implement disciplinary action of any kind, do not conduct investigations of incidents, do not attend management training, and do not conduct on-the-job training other than for newly hired employees. The SAEA also asserts that the word “Supervisor” was removed from the job title “Field Technician” over two years ago.

Second, the SAEA asserts that the Maintenance Controllers and Field Technician Supervisors are more closely related to the craft or class of Flight Dispatchers than Mechanics and Related Employees. The SAEA contends that most of the Maintenance Controllers’ daily communication is with the Dispatch group, and that the Maintenance Controllers’ primary documents—the Minimum Equipment List (MEL) and the Configuration Deviation List (CDL)—are Dispatch documents. The SAEA also notes that Maintenance Controllers and Field Technician Supervisors are not listed in the contract between AMFA and Southwest. The SAEA asserts that AMFA has no interest in representing the Maintenance Controllers or the Field Technician Supervisors, so the Board should honor those employees’ choice to be represented by the SAEA.

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

SOUTHWEST

Southwest asserts that the Board should dismiss this case. First, Southwest asserts that the Maintenance Controllers and Field Technician Supervisors are management officials, and thus, may not be organized by any labor organization. Southwest submits that both Maintenance Controllers and Field Technician Supervisors are salaried with compensation structure and benefits comparable to other management-level positions, and that both positions involve supervision of maintenance work and require a specialized level of maintenance knowledge. Southwest also asserts that Maintenance Controllers are management officials because they regularly supervise the work of maintenance contractors, supervise mechanics addressing down-line

discrepancies, set work hours and can recommend discipline for Mechanics performing down-line work, and can ground aircraft based on safety concerns. Southwest contends that Field Technician Supervisors are management officials because they regularly train, supervise, and oversee Mechanics when troubleshooting maintenance issues.

Second, Southwest asserts that even if Maintenance Controllers and Field Technician Supervisors are not management officials, they are part of the craft or class of Maintenance and Related Employees, not Flight Dispatchers. Southwest asserts that the duties of both Maintenance Controllers and Field Technician Supervisors primarily involve addressing aircraft mechanical issues and communicating with other maintenance employees. Southwest contends that Maintenance Controllers determine whether aircraft with mechanical issues are airworthy, need to be routed somewhere to be repaired, or need to be immediately grounded and repaired. Maintenance Controllers and Field Technician Supervisors then work together to coordinate the repair process for the aircraft with mechanical problems. Southwest also asserts that Maintenance Controllers and Field Technician Supervisors are considered part of the Maintenance & Engineering Department of the Carrier.

In support of its contentions, Southwest submitted position descriptions, declarations, organizational charts, manuals, and collective bargaining agreements, described in detail below.

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.

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

II.

The SAEA 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. Position Descriptions

A. Maintenance Controller

Southwest provided a job description for the Maintenance Controller position, which reads, in pertinent part:

General Purpose of Position: A Maintenance Controller is responsible for providing appropriate guidance and oversight to all affected personnel assigned to maintain Southwest Airlines aircraft. Also responsible for ensuring proper compliance with MEL and CDL requirements. Will routinely interact with other Operational Departments . . .

Summary of Essential Job Functions:

- Acts as primary point of contact for all Mechanical discrepancies that may affect the daily Operation.
- Coordinates with Dispatch, Flight Crew, Production Foreman, Planning, and Stores the requirements to maintain a flight schedule in accordance with procedures in the MPM [Maintenance Procedures Manual].
- Communicates directly with Flight Crew, SWA [Maintenance], or Contract [Maintenance] vendors to determine if discrepancies are eligible for deferral utilizing the approved MEL/CDL guidelines.
- Initiates tracking numbers for all MELs and CDLs, and for other Time Limited repairs or deferred maintenance items.
- Coordinates with the [Maintenance] Planning Department to ensure all discrepancies with an assigned tracking number are corrected in a timely manner and prior to reaching associated time limit.
- Makes recommendations for corrective action of discrepancies based on aircraft service history analysis, applicable [Maintenance] guidance, and Operator experience.
- Coordinates with Contract Maintenance to work aircraft discrepancies discovered at Stations where SWA [Maintenance] is not present. Ensure appropriate references are provided and that work performed is properly

documented.

-Initiates, prepares, and informs Quality Control of any MEL escalation that may exceed the MEL time limits.

-Adequately records all major mechanical delays and cancellations and reasons for such.

-Complies with whatever directives are set forth from time to time by the Manager of Maintenance Operations or the Director of Maintenance Operations.

Qualifications

Education: High school graduate. College degree or some college preferred.

Experience:

-Minimum 5 years maintenance experience on large commercial aircraft – Boeing experience preferred.

-2 years of line maintenance experience preferred.

-Prior Maintenance Control experience is a plus.

Licensing/Certification: A&P [Aircraft and Powerplant Mechanics] license required.

B. Field Technician Supervisor

Southwest also provided a job description for the Field Technician Supervisor position, which reads, in pertinent part:

Summary of Essential Job Functions:

-As an extension of Maintenance Control, initiates any action necessary to correct an aircraft discrepancy.

-Formulates and implements plans of action for solving chronic aircraft discrepancies.

-Directly supervises the troubleshooting process on chronic aircraft discrepancies.

-Provides training in proper troubleshooting procedures using maintenance manuals, schematics, wiring diagrams, etc., with emphasis on the use of test equipment.

-Provides technical assistance to mechanics and supervisor as required.

-Reviews the MEL list, aircraft logbooks, and delay reports, looking for real or potential repetitive items and then initiates follow-up action as required to correct discrepancy.

-Prepares detailed reports of actions taken, step by step, to correct aircraft discrepancies directly involved in and forwards same to Field Tech Manager on a daily basis.

-Complies with whatever directives are set forth by the Field Tech Manager or the Director of Maintenance.

-Fills in for Maintenance Control as necessary.

Qualifications & Requirements

- A&P [Aircraft and Powerplant Mechanics] license required.

II. Declarations

Southwest submitted a declaration from the Director of Maintenance Operations who asserted on February 6, 2008, that he oversees both the Maintenance Controller and Field Technician Supervisor positions. He also asserted that he reports to the Senior Director of Maintenance Operations and Planning, who in turn reports to the Vice President of Maintenance and Engineering. The Director of Maintenance Operations asserted that both Maintenance Controllers and Field Technician Supervisors are “maintenance positions with maintenance duties and responsibilities.” Also, both positions “involve supervision of maintenance work and require a specialized level of maintenance knowledge.”

According to the Director of Maintenance Operations, Maintenance Controllers coordinate mechanical repairs, provide guidance to Mechanics, and regularly interact with other Maintenance Personnel. Maintenance Controllers also “supervise the work of maintenance contractors, supervise mechanics addressing down-line mechanical issues, set work hours for mechanics performing down-line work, have authority to commit expenditures on behalf of Southwest, can remove mechanics from performing work and effectively recommend discipline, and can ground aircraft based on safety concerns.” Furthermore, Maintenance Controllers communicate with pilots and dispatchers regarding mechanical issues on aircraft and have the authority to approve the continued operation of aircraft.

The Director of Maintenance Operations asserted that Field Technician Supervisors work with Maintenance Controllers to repair mechanical issues on aircraft and have specialized mechanical knowledge. Field Technician Supervisors “train, supervise, and oversee mechanics when troubleshooting aircraft maintenance issues.” They also communicate with other Maintenance Employees, but have very little contact with Dispatchers.

Southwest also submitted a declaration from the Director of Flight Dispatch for Southwest who asserted on February 7, 2008, that the Maintenance Controller and Field Technician Supervisor positions are not part of the Dispatch Department, and that he does not supervise or direct either the Maintenance Controllers or the Field Technician Supervisors. He asserted that both positions are part of the Maintenance & Engineering Department. He also

asserted that the MEL is not only a Dispatch document, but is also used by Pilots and Maintenance Employees. Finally, the Director of Flight Dispatch asserted that Dispatchers report safety violations through the Dispatch Aviation Safety Action Partnership Program Overview, but Maintenance Controllers and Field Technician Supervisors report violations through a separate program.

III. Organizational Structure

Southwest submitted an organizational chart that shows that the Maintenance Controller is directly supervised by the Team Leader of Maintenance Operations, who is in turn supervised by the Manager of Maintenance Operations/Control, who is ultimately supervised by the Director of Maintenance Operations. The Field Technician Supervisor is supervised by the Field Tech Manager who is supervised by the Director of Maintenance. The organizational chart shows no employees supervised by the Maintenance Controller or the Field Technician Supervisor.

IV. Manuals

Southwest submitted copies of the Maintenance Control Department Guidelines Manual, The Field Technicians Department Guidelines Manual, and the portions of the Maintenance Procedures Manual relating to Maintenance Controllers, Field Technician Supervisors, and the MEL. These documents confirm that the Maintenance Controller is responsible for working with other departments in order to maintain and approve the continued operation of Southwest aircraft. According to these manuals, Field Technician Supervisors assist Southwest Mechanics in maintaining Southwest aircraft. Maintenance Controllers, as well as Pilots and Dispatchers, use the MEL to determine whether aircraft are airworthy.

Southwest also submitted a copy of the Dispatch Aviation Safety Action Partnership Program Overview, which indicates the program is for Dispatchers only and makes no mention of Maintenance Controllers or Field Technician Supervisors.

V. Collective Bargaining Agreements

Southwest submitted a copy of the collective bargaining agreement between Southwest and AMFA, which covers Mechanics and Related Employees, and between Southwest and SAEA, which covers Flight Dispatchers.

DISCUSSION

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. *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 Services, Inc.*, 25 NMB 96 (1997); *Airborne Express, Inc.*, 9 NMB 115 (1981). The Board makes craft or class determinations on a carrier by carrier basis, based on Board policy and precedent. *USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988).

The Board finds that the SAEA's assertion that the Maintenance Controllers and Field Technician Supervisors share a work-related community of interest with Flight Dispatchers is not supported by the record.² The position descriptions for both Maintenance Controllers and Field Technician Supervisors indicate that the primary task of both positions is not dispatch. Flight Dispatchers create a flight plan considering relevant factors—Maintenance Controllers and Field Technician Supervisors do not. While it is true that Maintenance Controllers and Field Technician Supervisors communicate often with Flight Dispatchers and use documents also used by Flight Dispatchers, this factor in and of itself is insufficient to establish a work-related community of interest with Flight Dispatchers. Furthermore, the evidence establishes that both positions are not considered by Southwest to be related to Flight Dispatch.

Based on the evidence, Maintenance Controllers and Field Technician Supervisors are not in the craft or class of Flight Dispatchers, and therefore, are not covered by SAEA's certification.

² The Board need not reach the issue of whether the employees in this case should be considered management officials because, regardless of their status, they do not share a work-related community of interest with the craft or class of Flight Dispatchers. Likewise, the Board need not reach the issue of whether the employees in this case should be considered part of the Mechanics and Related Employees craft or class, as Southwest contends, because the applicant is seeking to accrete these employees to the Flight Dispatchers craft or class.

CONCLUSION AND DISMISSAL

The Board finds that Southwest's Maintenance Controllers and Field Technician Supervisors do not share a work-related community of interest with Flight Dispatchers, and therefore, are not covered by SAEA's certification. The SAEA's application is converted to NMB Case R-7165 and, is hereby dismissed.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel

Copies to:
Joe Harris
Juan Suarez, Esq.
Eric Carr, Esq.
Mike Connor
David Watsky

Harry Hoglander, concurring,

I agree with the result reached by my colleagues in this case. The Maintenance Controllers and Field Technician Supervisors at Southwest clearly are not part of the Dispatchers' craft or class. I write separately because I would also find, for the reasons set forth below, that these employees are part of the Mechanics and Related Employees craft or class, and that they are not management officials.

I. Mechanics and Related Employees Craft or Class

The Board has included classifications other than Mechanics in the Mechanics and Related Employees craft or class. *AirTran Airways, Inc.*, 28 NMB 603 (2001) and *United Parcel Service Co.*, 27 NMB 3 (1999) (Maintenance Controllers); *US Airways*, 26 NMB 359 (1999) (Maintenance Operations Control Supervisors); *Pacific Southwest Airlines*, 14 NMB 10 (1986) (Flight Simulator Technicians); *U.S. Air*, 8 NMB 524 (1981) (Technical Specialists). These "related" employees, while having different skills than the Mechanics, nonetheless, are closely related to the Mechanics and Related Employees craft

or class since they are engaged in a common maintenance function. *Federal Express Corp.*, 20 NMB 360 (1993). See also *United Airlines, Inc.*, 6 NMB 134 (1977).

In recent determinations, the Board has found that individuals who perform functions similar to those performed by Southwest's Maintenance Controllers and Field Technician Supervisors are part of the Mechanics and Related Employees craft or class. *AirTran Airways, Inc.*, 31 NMB 45 (2003) (Maintenance Planners and Technical Support Specialists); *AirTran Airways, Inc.*, 29 NMB 77 (2001) (Line Maintenance Supervisors); *AirTran Airways, Inc.*, 28 NMB 603 (2001) (Maintenance Controllers); *United Airlines, Inc.*, 28 NMB 533 (2001) (Maintenance Controllers and Technical Specialists); *Allegheny Airlines, Inc.*, 26 NMB 487 (1999) (Maintenance Controllers).

Maintenance Controllers and Field Technician Supervisors support, supervise, and coordinate aircraft maintenance contractors and Mechanics performing down-line mechanical work, release aircraft from maintenance and generally direct the maintenance of Southwest's fleet. This is work traditionally performed by the Mechanics and Related Employees craft or class. *AirTran Airways, Inc.*, 28 NMB at 618. Furthermore, both positions require an Aircraft and Powerplant Mechanics license.

Therefore, I would find that Maintenance Controllers and Field Technician Supervisors are part of the Mechanics and Related Employees craft or class.³

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 include: (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."

³ I note that Maintenance Controllers and Field Technician Supervisors are not an accretion to the craft or class of Mechanics and Related Employees presently represented by AMFA. Any accretion request must be supported by an application and a showing of interest, and AMFA has filed no application. *United Airlines, Inc.*, 28 NMB 533, 574 n.14 (2001) (citing *US Airways, Inc.*, 28 NMB 104, 149 (2000); *United Parcel Service Co.*, 23 NMB 110 (1996).)

The Manual 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).

Southwest argues that Maintenance Controllers and Field Technician Supervisors are management officials because they have the same salary structure as other management officials, and because they supervise and discipline other employees.

In his declaration, the Director of Maintenance Operations asserted that Maintenance Controllers set work hours for Mechanics, have authority to commit expenditures on behalf of Southwest, and can remove Mechanics from performing work and recommend discipline. He asserted that Field Technician Supervisors train, supervise, and oversee Mechanics.

The organizational chart Southwest provided, however, does not show any employees supervised by either Maintenance Controllers or Field Technician Supervisors. Furthermore, the position descriptions and manuals for both positions do not mention any management responsibilities.

The record in this case does not establish that Southwest’s Maintenance Controllers and Field Technician Supervisors are management officials. There is insufficient evidence to demonstrate that Field Technician Supervisors commit Carrier funds, have authority to grant overtime, have authority to create carrier policy, or have authority to discipline employees. There is likewise insufficient evidence to show that Maintenance Controllers have the authority to authorize or grant overtime, or create carrier policy. Although the Carrier asserts that Maintenance Controllers have the authority to commit Carrier funds and recommend discipline, there is insufficient evidence that they actually exercise such authority. *AirTran, above*, at 59-60 (2003) (Board considered evidence cumulatively and found that Maintenance Planners, whose job duties were similar to Maintenance Controllers and Field Technician Supervisors, were not management officials); *Allegheny Airlines, above*, at 494

(1999) (Board found Maintenance Operations Controllers were not management officials because there was insufficient evidence that they actually exercised the authority the Carrier claimed they possessed).

Considering the evidence cumulatively, I would find that Southwest's Maintenance Controllers and Field Technician Supervisors are not management officials.

Accordingly, I agree with my colleagues that Southwest's Maintenance Controllers and Field Technician Supervisors are not part of the Flight Dispatchers craft or class, but I would go on to find that these employees are part of the Mechanics and Related craft or class, and are not management officials.