



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the

AIRCRAFT MECHANICS
FRATERNAL ASSOCIATION

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

involving employees of
SOUTHWEST AIRLINES

38 NMB No. 33

CASE NO. R-7281
(File No. CR-6989)

FINDINGS UPON
INVESTIGATION-
DISMISSAL

March 14, 2011

This decision addresses the application of the Aircraft Mechanics Fraternal Association (AMFA or Organization) alleging a representation dispute pursuant to the Railway Labor Act¹ (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among the Facilities Maintenance Technicians and Aircraft Maintenance Controllers (Maintenance Controllers) of Southwest Airlines (SWA or Carrier). AMFA is the certified representative of the Mechanics and Related Employees craft or class at SWA (NMB Case No. R-6919). *Southwest Airlines*, 30 NMB 182 (2003). AMFA asserts that the Facilities Maintenance Technicians and Maintenance Controllers are part of the Mechanics and Related Employees craft or class.

For the reasons set forth below, the National Mediation Board (NMB or Board) finds that the Facilities Maintenance Technicians and Maintenance

¹ 45 U.S.C. § 151, *et seq.*

Controllers (including Operations Team Leaders) are already covered by the AMFA's certification.² Therefore, the Board dismisses the application.

PROCEDURAL BACKGROUND

On August 17, 2010, AMFA filed an application alleging a representation dispute among the Carrier's Facilities Maintenance Technicians. The Organization requested that the Board accrete these employees into the Mechanics and Related Employees craft or class and supported this request with its initial position statement and authorization cards. This application was assigned NMB File No. CR-6989. Eileen Hennessey was assigned as the Investigator. On August 17, 2010, the Board requested that the Carrier provide it with a List and signature samples of the Facilities Maintenance Technicians at SWA. The Board also set an August 31, 2010 deadline for the Carrier to provide an initial position statement regarding the accretion of Facilities Maintenance Technicians into the Mechanics and Related Employees craft or class. On August 30, 2010, the Carrier provided the information requested by the Board but did not submit an initial position statement.

On September 16, 2010 AMFA filed an application alleging a representation dispute among the Carrier's Maintenance Controllers. The Organization requested that the Board accrete Maintenance Controllers into the Mechanics and Related Employees craft or class and supported this request with its initial position statement and authorization cards. On September 21, 2010, the Board combined this application with the pending application for the Facilities Maintenance Technicians at SWA. The Carrier provided an initial position statement and additional evidence in this matter on September 30, 2010. The Organization responded on October 12, 2010. The Carrier responded to AMFA on October 14, 2010.

² In its October 12 submission to the Board, AMFA stated that the Carrier omitted the Operations Team Leaders (Operations Team Leader) from the Carrier's list of Maintenance Controllers and that this title should have been included in the Maintenance Controller list because Operations Team Leaders perform similar work to Maintenance Controllers. On October 13, 2010, the Carrier responded stating that the Operations Team Leader position was not included in the list of Maintenance Controllers because the Operations Team Leader position is "separate and distinct from the Maintenance Controller position" and "AMFA's application expressly requests accretion of the 'Maintenance Controllers' and says nothing about the 'Maintenance Operations Team Leaders.'" Although the Carrier takes the position that Operations Team Leaders are management officials and therefore cannot be accreted into the Mechanics and Related craft or class, the Carrier provided the Board with a position description and organizational chart for Operations Team Leaders and a list and signature samples of Operations Team Leaders. This determination will also address whether Operations Team Leaders should be accreted to the Mechanics and Related Employees craft or class.

ISSUE

Are SWA's Facilities Maintenance Technicians, Maintenance Controllers and Operations Team Leaders part of the Mechanics and Related Employees craft or class?

CONTENTIONS

AMFA

AMFA asserts that it was certified in 2003 as the exclusive collective bargaining representative of the craft or class of Mechanics and Related Employees at SWA. *Southwest Airlines, above*. AMFA argues that Facilities Maintenance Technicians, Maintenance Controllers and Operations Team Leaders fall within the Mechanics and Related Employees craft or class and therefore, these positions should be accreted into the craft or class.

In support of its argument that Facilities Maintenance Technicians are properly included in the Mechanics and Related craft or class, AMFA states that for more than half a century the NMB has consistently held that employees who perform facilities maintenance functions are part of the craft or class of Mechanics and Related Employees and cites *National Airlines*, 1 NMB 423, 428-429(1947) (plant maintenance personnel including employees who repair and maintain maintenance buildings, hangars and related equipment are in the Mechanics and Related Employees craft or class).

In support of its assertion that Maintenance Controllers should be accreted into the Mechanics and Related Employees craft or class, AMFA again relies on the NMB's 1947 definition of the Mechanics and Related Employees craft or class set forth in *National Airlines, above*. AMFA maintains that the Board's definition of the Mechanics and Related craft or class covers employees who perform functions similar to the Maintenance Controllers. AMFA also cites *Southwest Airlines*, 35 NMB 139 (2008) to support its accretion request.³

³ AMFA's reliance is misplaced since the Board majority declined to reach the issue of whether Maintenance Controllers "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." *Southwest* at 147 n. 2. In representation

SWA

The Carrier did not file any opposition to AMFA's request to accrete Facilities Maintenance Technicians into the Mechanics and Related craft or class. With regard to the Maintenance Controllers and Operations Team Leaders, however, SWA asserts that these employees are management officials and should not be accreted to the Mechanics and Related Employees craft or class. Therefore SWA respectfully requests that the Board dismiss AMFA's application.

The Carrier cites the Board's determination in *American Airlines*, 24 NMB 521 (1997) in which the Board found Maintenance Supervisors were management officials and were excluded from the craft or class. SWA argues that the following duties support a finding that Maintenance Controllers and Operations Team Leaders are ineligible management officials: supervision of maintenance work which requires specialized maintenance knowledge; responsibility for making significant operational decisions; authority to ground and release aircraft; serving as the Carrier's primary point of contact for maintenance irregularities that may impact the operational schedule; authority to commit SWA funds; supervision of contractors and mechanics "addressing down-line maintenance discrepancies"; establishing work hours and authorizing and granting overtime for mechanics performing "down-line" work; removing mechanics from performing work and ability to recommend discipline.

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.

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

disputes, the Act deals with the present status and interests of employees involved and the Board resolves representation disputes based upon the facts currently before it.

II.

AMFA 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 employees in the event an election is required.

STATEMENT OF FACTS

I. Facilities Maintenance Technician Job Description

The Carrier provided a job description for Facilities Maintenance Technician I- Electrical (FMT-Electrical), Facilities Maintenance Technician I- HVAC (FMT-HVAC) and a job description for Facilities Maintenance Technician I- General (FMT-General). The Carrier states that it does not maintain an official organization chart including the Facilities Maintenance Technician position.

The FMT-Electrical position description states that the FMT-Electrical “will perform electrical systems maintenance, repairs and modification, while assuring that the facilities are operating in their most efficient and effective manner. The ... [FMT-Electrical] will assist with operations of all systems and equipment, including fire protection, electrical, plumbing and HVAC.”

The FMT-Electrical position description lists the following duties: maintain all electrical systems in the facility through inspection, modification and repairs; ensure all repairs are performed and requests responded to in a timely manner; process daily operational requests and interact

with outside contractors; schedule and perform repairs; solicit bids for outsourced services; perform routine inspection of mechanical, electrical and telecommunication rooms and be aware of all fire protection, electrical and HVAC requirements; replace lamps and ballasts as needed; install/relocate fixtures, switches and branch circuitry as required; maintain inventory of supplies such as lamps, ballasts, switches, conductors, raceways, etc.; and assist with the operation and inspection of electrical and utility systems throughout all facilities and perform other duties as required.

The FMT-Electrical provides building maintenance services supporting SWA's transportation operations located in various facilities. This position requires a high school education or equivalent. The FMT-Electrical must have a minimum of two years of experience in a corporate office environment with a minimum of two years experience under an electrical contractor. The position description states that a Journeyman Electrician license is preferred. Other requirements for the position include knowledge of applicable construction and repair fundamentals, including electrical, plumbing and mechanical repair gained through trade school courses, training programs, or on-the-job experience; ability to travel on an infrequent basis; and the ability to rotate for weekend and after-hour on-call duty.

The FMT-HVAC position description states that the position "will perform maintenance, repairs and modification, while assuring that the facilities are operating in their most efficient and effective manner on all HVAC systems. The ... [FMT-HVAC] will assist with operations of all systems and equipment, including ice machines, chillers, pumps, cooling towers, air handling units, compressors, controls and fire protection equipment."

The FMT-HVAC position description lists the following duties: manage the maintenance and operation of all facility HVAC equipment; implementation of preventative maintenance programs for systematic inspection, service and repairs; ensure all repairs are performed and requests responded to in a timely manner; process daily operational requests and interact with outside contractors; process daily work requests and assist in ensuring customer satisfaction in overall performance; schedule and perform repairs; solicit bids for outsourced services; perform routine inspection of mechanical rooms and be aware of all fire protection, electrical and HVAC requirements; and maintain inventory of HVAC maintenance supplies.

The FMT-HVAC position provides building maintenance services supporting SWA's transportation operations located in various facilities. This position requires a high school education or equivalent. The FMT-HVAC must

have a minimum of two years of experience in a corporate office environment with a minimum of two years of mechanical experience. The position description states that universal certification to work on HVAC equipment and license to obtain and dispense refrigerants is required. Other requirements for the position include knowledge of applicable construction and repair fundamentals, including electrical, plumbing and mechanical repair gained through trade school courses, training programs, or on-the-job experience; ability to travel on an infrequent basis; and ability to rotate for weekend and after-hour on-call duty.

The FMT-General position description states that the position “will manage the performance of general systems maintenance, repairs, and modifications while assuring that the facilities are operating in their most efficient and effective manner. The ... [FMT-General] will assist with operation and maintenance of all systems and equipment, including fire protection, plumbing, light construction, site work and general clean up.”

The FMT-General position description lists the following duties: perform light construction duties, including drywall, acoustical ceiling, tape, bed, texture and painting; work with a team to ensure all repairs are performed and requests responded to in a professional and timely manner; process daily order requests; assist in overall performance so as to have the least impact on SWA’s daily operations; perform routine systematic inspections, including functionality and condition of mechanical and electrical rooms, restrooms, public areas, roofs, exterior finishes, sidewalks, landscaping, stairwells and parking areas; assist in the preparation of the facility for extreme weather conditions; assist with the maintenance of inventoried supplies such as construction materials, locksmith items, lamps, etc.; and manage the operation and maintenance of various systems within the facility.

FMT-General position provides building maintenance services supporting SWA’s transportation operations located in various facilities. This position requires a high school education or equivalent. The FMT-General must have a minimum of two years of experience in corporate office environment with a minimum of two years of general construction experience. Other requirements for the position include knowledge of applicable construction and repair fundamentals, including electrical, plumbing, and mechanical repair gained through trade school courses, training programs, or on-the-job experience; ability to travel on an infrequent basis; and ability to rotate for weekend and after-hour on-call duty.

III. Maintenance Controller Job Description

According to the position description provided by SWA, “[a] Maintenance Controller is responsible for providing oversight to all affected personnel assigned to maintain Southwest Airlines aircraft. Also responsible for ensuring proper compliance with Minimum Equipment List (MEL) and Configuration Deviation List (CDL) requirements. Will routinely interact with other Operational Departments and will be expected to consistently provide Positively Outrageous Service to all.”

The Maintenance Controller position description lists the following duties: provide friendly service to and maintain positive relationships with all internal and external customers; work in cooperative spirit to ensure the success of SWA; act as the primary point of contact for all mechanical discrepancies that may affect the daily operation; provide leadership to highly skilled technical personnel; coordinate with Dispatch, Flight Crew, Production Foreman, Planning and the Materials Department to maintain a flight schedule and ensure aircraft are maintained in accordance with procedures in the SWA Maintenance Procedures Manual; communicate directly with Flight Crew, SWA Mechanics, or Contract Mechanics and vendors to determine if discrepancies are eligible for deferral utilizing approved MEL/CDL guidelines; initiate tracking numbers for all MELs and CDLs and other time limited repairs or deferred maintenance items; coordinate with the Mechanics Planning Department to insure all discrepancies with an assigned tracking number are corrected in a timely manner and prior to reaching associated time limit; make recommendations for corrective action of discrepancies based on aircraft service history analysis, applicable Aircraft Maintenance Manual (MM) guidance, and operator experience; coordinate with contract maintenance to work aircraft discrepancies discovered at stations where SWA mechanics are not present; ensure appropriate references are provided and that work performed is properly documented; initiate, prepare and inform Quality Control of any MEL escalation that may exceed the MEL time limits; record all major mechanical delays and cancellations and reasons for such; and comply with whatever directives are set forth from time to time by the Manager of Maintenance Operations or the Director of Maintenance Operations.

The education qualifications of the Maintenance Controller position are a high school diploma and a college degree or some college preferred. In addition an A & P license and a minimum of five years maintenance experience on large commercial aircraft, preferably Boeing, is required. Two years of line maintenance is preferred, prior Maintenance Control experience is a plus, and leadership experience preferred.

The position is description for Maintenance Controller includes the following “skills/abilities/knowledge/ work style”: a thorough knowledge and operating background of aircraft systems; proficiency in the use of maintenance reference material including Manufacturer’s Manuals, Structure Repair Manuals, Illustrated Parts Catalogues, etc.; ability to adhere to SWA Maintenance Program policies and procedures while working under tight time constraints; excellent communication and verbal skills; and the ability to provide leadership to a diverse group of highly technical personnel.

IV. Operations Team Leader Job Description

The position description for the Operations Team Leader position lists the following duties: provide direct oversight and supervision of on-duty Maintenance Controllers; serve as point of contact for communications and coordination between the Maintenance Operation Control Center and other Operational Departments as related to current day operations; coordinate with Dispatch, Flight Crew, Production Foreman, Planning, Stores and other departments to maintain a safe and timely flight schedule in accordance with MEL, MM and Southwest Maintenance Procedures Manual (MPM) procedures; review and manage daily maintenance delay report; provide adequate verbal and written turnover of work requirements; serve as point of contact for the Maintenance Operations Emergency Airworthiness Directive (AD) notification process; comply with whatever directives are set forth from time to time by the Manager of Maintenance Operations or the Director of Maintenance Operations; and may be asked to assume the duties of Manager Maintenance Operations in his absence.

The education qualifications of the Operations Team Leader position are a high school diploma or high school equivalency diploma and some college education is preferred. In addition an A & P license and a minimum of five years maintenance experience on large commercial aircraft, preferably Boeing, is required. Two years of line maintenance is preferred and prior Maintenance Control or leadership experience is a plus.

The position description for Operations Team Leader includes the following “skills/abilities/knowledge/work style”: ability to lead a diverse group of highly technical personnel; ability to adhere to SWA Maintenance Program policies and procedures while working under tight time constraints; proficiency in MEL and CDL procedures; proficiency in the use of maintenance manual reference material including Manufactures’ Maintenance Manuals, Structural Repair Manuals, Illustrated Parts Catalogues, etc.; and the ability to clearly

communicate information and instructions verbally and in writing.

V. Duties and Responsibilities of Maintenance Controllers

According to the organization chart provided by SWA, Maintenance Controllers, AOG Controllers and Operations Team Leaders all report to the Manager Maintenance Control Operations who reports to the Director Maintenance Operations.

Shawn Jensen, Director of Maintenance Operations for SWA, provided a declaration in this matter. Jensen states that he reports to the Vice President of Maintenance Operations and he oversees Maintenance Controllers. According to Jensen, the Maintenance Controller position involves supervision of maintenance work and requires specialized maintenance knowledge.

According to Jensen, Maintenance Controllers are SWA's primary point of contact for maintenance irregularities that may impact the operational schedule during a flight day. "They [Maintenance Controllers] are responsible for determining the best course of action for addressing maintenance discrepancies and determining which field trips are required. When field trips are necessary, Maintenance Controllers are responsible for authorizing, assigning and supervising the performance of the work to address the down-line maintenance discrepancies." Jensen also states that Maintenance Controllers have significant authority to commit SWA funds. Maintenance Controllers issue work orders and authorize maintenance work by third party vendors, hotel billing, facility rentals and equipment purchasing, borrowing and/or renting as part of their oversight of down-line maintenance field trips.

Jensen states that Maintenance Controllers are responsible for making significant decisions and have authority to ground and release SWA aircraft based on safety determinations. Jensen also states that Maintenance Controllers have the final Operational Control Authority over all out-of-service aircraft and Return-to-Service authority for all aircraft with inoperative, damage or missing component systems; and Maintenance Controllers have the final authority for determining whether SWA aircraft meet federal Lower Landing Minimums (LLM), Reduced Vertical Separation Minimums (RVSM), MEL and CDL standards for flight – "programs that are all highly scrutinized by the FAA." Jensen further asserts that Maintenance Controllers are responsible for supervising the work of the contractors and mechanics addressing down-line maintenance discrepancies. In support of this, SWA submits relevant portions of the SWA Maintenance Procedures Manual.

Jensen also states that Maintenance Controllers set work hours and can grant overtime. In addition, according to Jensen, Maintenance Controllers can remove mechanics from performing work and recommend discipline. The Maintenance Controller position is a salaried position with compensation structure and benefits comparable to other management-level positions. According to Jensen, the minimum grade for the position is M6, which is a supervisor-level salary grade. Annual salaries for Southwest's Maintenance Controllers range from approximately, \$77,000 to \$111,000.

DISCUSSION

I. Maintenance Controllers and Operations Team Leaders are not Management Officials

AMFA seeks to accrete Maintenance Controllers and Operations Team Leaders into the Mechanics and Related Employees craft or class. The Carrier challenges these individuals as management officials, and thus outside of the RLA's jurisdiction.

The Board's Representation Manual (Manual) addresses the ineligibility of management officials. Manual Section 9.211 states:

Management officials are ineligible to vote. Management officials include individuals with:

- (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 Investigator also considers:

- (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.

When evaluating managerial authority, the Board evaluates the above factors cumulatively. See *USAir*, 24 NMB 38, 40 (1996) citing *Pan American World Airways*, 5 NMB 112, 115 (1973). "In many cases, the Board finds that while there are certain factors indicating some level of authority, when all the the factors are viewed cumulatively the individuals at issue generally are first-line supervisors, not management officials." *USAir*, *above* at 41.

SWA argues that Maintenance Controllers are management officials for the following reasons: Maintenance Controllers supervise maintenance work which requires specialized maintenance knowledge; are responsible for making significant operational decisions and have the authority to ground and release aircraft; serve as the Carrier's primary point of contact for maintenance irregularities that may impact the operational schedule; have the authority to commit SWA funds; supervise contractors and mechanics "addressing down-line maintenance discrepancies"; establish work hours and authorize and grant overtime for mechanics performing "down-line" work and remove mechanics from performing work and recommend discipline.

The Board has consistently held that individuals performing the job duties described above are not management officials. *United Airlines*, 32 NMB 75, 101-102 (2004). See also *Airtran Airways*, 31 NMB 45 (2003); *Hawaiian Airlines*, 29 NMB 308, 314 (2002) (Maintenance Controllers/Coordinators found part of the Mechanics and Related Employees craft or class as they generally direct the maintenance of the fleet); *United Parcel Serv.*, 27 NMB 3, 15 (1999) (Maintenance Controllers held to be part of the Mechanics and Related Employees craft or class, who were "responsible for monitoring aircraft maintenance, and of necessity work with Mechanics and other maintenance personnel to perform that function"); *Allegheny Airlines*, 26 NMB 487 (1999) (Maintenance Operations Controllers who coordinated and controlled aircraft maintenance functions and recorded all incoming flight discrepancies were found part of the Mechanics and Related Employees craft or class); *US Airways*, 26 NMB 359 (1999) (Maintenance Control Technicians who coordinated aircraft maintenance, and coordinated repair of mechanical

discrepancies were found to be part of the Mechanics and Related Employees craft or class); *Mesaba Airlines*, 26 NMB 227 (1999) (Maintenance Controllers are part of the Mechanics and Related Employees craft or class).

The Carrier states that the Maintenance Controller position supervises maintenance work and requires specialized maintenance knowledge. However, the organization chart does not show that Maintenance Controllers supervise any employees. In addition, according to the evidence submitted by SWA, Maintenance Controllers' supervision consists of providing appropriate guidance and leadership. There is no evidence that Maintenance Controllers have a role in the hiring, evaluation or promotion process of Maintenance personnel, all of which are elements of managerial authority. While Maintenance Controllers can remove mechanics from performing work and recommend discipline, they do not have the authority to issue discipline or terminate employees, which are also key indicia of managerial authority. The Carrier states that Maintenance Controllers can grant overtime for mechanics performing down-line work and commit Carrier funds for maintenance work, work by third party vendors and expenses for maintenance field trips. However, the Carrier did not submit evidence of the level of expenditures that Maintenance Controllers actually authorize. While the Carrier states that there is no policy limiting Maintenance Controller's ability to commit Carrier funds in many maintenance functions, the Carrier did not submit evidence that Maintenance Controllers' have unlimited authority to commit Carrier funds. Additionally, the one policy that the Carrier did submit that addressed the Maintenance Controllers' ability to commit funds, Maintenance Procedures Manual 06-06-06 Loans and Borrows, limits Maintenance Controllers authority to \$10,000 without prior approval of the Manager Maintenance Operations/Control. Finally, the Carrier argues that Maintenance Controllers have the authority to make significant operational decisions and have the authority to ground and release SWA aircraft based on safety determinations. However, this authority is heavily circumscribed by FAA regulations and Carrier policy and operations manuals.

The facts in this case are distinguishable from *American Airlines Inc.*, 24 NMB 521 (1997), which the Carrier relies upon to support its position. First, *American* dealt with Maintenance Supervisors, not Maintenance Controllers and while there is some similarity in the duties of the positions, these positions are not directly comparable. Second, in *American* there was a previous Board decision in which the Board found that American Airlines' Maintenance Supervisors were not employees or subordinate officials. In the instant case there is no such precedent. Finally, in *American* the Board found that Maintenance Supervisors were management officials noting the following –

American's Maintenance Supervisors had the authority to direct and assign work; discipline employees and regularly exercised such authority; effectively recommend hiring decisions; evaluate Crew Chiefs. In addition, at American, Maintenance Supervisors were the first step in the grievance procedure and had the authority to grant or deny the grievance; played a key role in the investigation of incidents which potentially could result in disciplinary action; and Maintenance Supervisors regularly participated in the Carrier's budget process. *American, above* at 564. None of these facts are present in this case. Southwest asserts that its Maintenance Controllers are management officials under the factors set forth in *American, above*, and operationally SWA's Maintenance Controllers and American's Maintenance Supervisors perform similar functions. However, in this case SWA did not provide evidence that the salient facts in *American, above*, are present in this case. Unsupported allegations will not be considered by the Board. *See e.g.* Manual Section 8.2.

The Board concludes based upon the evidence presented in this case and the precedent discussed above, that Maintenance Controllers monitor, control, and record maintenance activities and resources and have a level of authority of first line supervisors, not management officials. The Board further finds that Operations Team Leaders perform similar duties as Maintenance Controllers, at a similar level in the organization hierarchy as Maintenance Controllers.⁴ While Operations Team Leaders "provide direct oversight and supervision of on-duty Maintenance Controllers" this supervision is as a "lead" employee and not as a management official. Therefore, the Board concludes that Operations Team Leaders are not management officials.

II. Work-Related Community of Interest

In determining the appropriate craft or class on a particular carrier, the Board examines a number of factors including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *United Parcel Service*, 33 NMB 307 (2006); *AirTran Airways, Inc.*, 31 NMB 45 (2003); *United Parcel Serv. Co.*, 30 NMB 84 (2002); *Frontier Airlines, Inc.*, 29 NMB 28 (2001). 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

⁴ Although the Carrier states that Maintenance Operations Team Leader is a separate and distinct position which was not covered by AMFA's application in this case and also states that Maintenance Operation Team Leaders are management officials, the Carrier did not expand upon these arguments in its position statements. Nor did the Carrier provide evidence that the Operations Team Leaders perform duties which would lead the Board to conclude that they are management officials.

responsibilities of 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 purpose of the community of interest test is to ensure that a particular grouping of employees “possess a sufficiently distinct community of interest and commonality of functional characteristics to ensure a mutuality of interest in the objective of collective bargaining.” *Continental Airlines, Inc. / Continental Express, Inc.*, 27 NMB 99, 109 (1999).

The Board makes craft or class determinations on a case by case basis, relying upon NMB policy and precedent. *US Airways, Inc.*, 28 NMB 104 (2000); *US Air*, 15 NMB 369 (1988).

The Board has examined the scope of the craft or class of Mechanics and Related Employees in numerous decisions. *AirTran Airways, above; United Parcel Serv. Co., above; US Airways, Inc., above; United Parcel Serv. Co.*, 27 NMB 3 (1999). In *United Airlines*, 6 NMB 134, 135 (1977), the Board, quoting *National Airlines, Inc.*, 1 NMB 423, 428-29 (1947), explained the functions of Mechanics and Related Employees, 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). This “functional” connection between mechanic classifications and those employees who perform related maintenance operation has historically formed the basis for their identity as a single craft or class. *Id.*; see also *Federal Express Corp.*, 20 NMB 360 (1993).

It is equally well-settled that the Board includes classifications other than mechanics in the Mechanics and Related Employees craft or class. The Board’s inclusion of “related” employees is based on the regular direct contact with the Mechanics and a strong tie to the maintenance function.

The evidence establishes that Facilities Maintenance Technicians at SWA perform plant maintenance and other work traditionally performed by employees in the Mechanics and Related Employees craft or class. See, *USA Jet Airlines*, 31 NMB 287 (2004); *Dalfort Aerospace*, 30 NMB 40 (2002); *United Airlines, Inc.*, 6 NMB 134 (1977). Therefore, these employees are properly part of the Mechanics and Related Employees craft or class.

The Board has traditionally found employees who forecast and schedule maintenance for aircraft to properly be part of the Mechanics and Related Employees craft or class. In *AirTran Airways, above*, the Board accreted Technical Support Specialists to the Mechanics and Related Employees craft or class since their main duties were to troubleshoot maintenance programs on aircraft and to provide technical advice and direction to mechanics.

Similarly, in *United Parcel Serv. Co.*, 30 NMB 84 (2002), the Board found accretion of Editors and ATA Specialists to the Mechanics and Related Employees craft or class appropriate because the employees revised and maintained technical publications in response to requests from Mechanics and assisted Mechanics with technical questions. The Board found a work-related community of interest even though the Editors and ATA Specialists worked with Engineers every day but not with Mechanics and they worked in a location 10 miles from the airport. The Board has also found quality control employees who are responsible for inspecting and overseeing the maintenance operations and equipment to be included in the Mechanics and Related Employees craft or class. See *USA Jet Airlines, Inc.*, 31 NMB 287 (2004); *US Airways*, 28 NMB 50 (2000); *Ross Aviation, Inc.*, 22 NMB 89 (1994).

In another case involving UPS, *United Parcel Serv. Co.*, 27 NMB 3 (1999), the Board determined that Controllers, who were responsible for monitoring aircraft maintenance, were properly included in the Mechanics and Related Employees craft or class. Although the Controllers were salaried employees, did not share any benefits with Mechanics, did not share any common

supervision with Mechanics until the District Manager Level, did not receive the same training or wear uniforms, the Board concluded that Controllers performed functions traditionally performed by members of the craft or class of Mechanics and Related Employees. The Board noted that the Controllers' duties were to monitor aircraft maintenance operations and provide technical assistance and that in performing these duties they communicated with Mechanics by telephone.

Based upon the evidence presented, the Facilities Maintenance Technicians, Maintenance Controllers and Operations Team Leaders perform maintenance-related work. Facilities Maintenance Technicians perform plant maintenance and ground service maintenance work as defined in *National Airlines, above*. Maintenance Controllers and Operations Team Leaders at SWA also fall within the Mechanics Related Employees craft or class as defined by the Board in *National Airlines, above*, because these positions perform aircraft maintenance. Accordingly, the Board finds that these positions share a work-related community of interest with the Mechanics and Related Employees craft or class.

II. 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. & S.S. Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965). The Court held that in determining the 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 668-69.

In *Ross Aviation, Inc., above*, the Board dismissed the Organization's application stating that an election was unnecessary because the employees at issue were already covered by Board certification. Since then, the Board has consistently followed this policy when it finds that particular job functions are traditionally performed by members of a certified craft or class. *United Air Lines, Inc.*, 32 NMB 75 (2004); *AirTran Airways, Inc.*, 31 NMB 45 (2003); *Frontier Airlines, Inc.*, 29 NMB 28 (2001).

The Board bases its accretion determinations upon 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 requisite showing of interest was provided with AMFA's

applications and therefore, accretion is appropriate.

CONCLUSION

The Board finds that SWA's Facilities Maintenance Technicians, Maintenance Controllers and Operations Team Leaders are covered by the certification in NMB Case No. R-6919. As there is no basis for further investigation, NMB File No. CR-6989 is converted to NMB Case No. R-7281 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.



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George Diamantopoulos, Esq.

Board Member Dougherty, concurring.

I agree with the decision of the Board; however, I write this separate concurrence to raise questions about the Board's accretion policy. Although the accretion policy described in the Board decision is current Board policy, it has not always been so. Prior to 1994, the Board did not typically accrete employees. Where, as in this case, the group of employees sought to be accreted existed when the certification covering the larger group was issued, the Board required an election to determine whether the previously omitted group should be added to the existing certification.³ In 1994, in *Ross Aviation, Inc.*, 22 NMB 89 (1994), the Board changed its long-standing policy and began allowing omitted groups to be added to existing certifications without an election upon an "adequate" showing of interest and a finding of sufficient community of interest. It is time for the Board again to examine its accretion policy, particularly in light of the recent change to the Board's voting rules.

Accretion effectively deprives a group of employees of the opportunity to cast votes for or against representation once the Board determines they belong in a larger craft or class that has already voted for representation. Under the Board's new voting rules, a union can be certified based on the votes of less than a majority of a craft or class. Moreover, the Board's accretion policy requires only an "adequate" – not a majority – showing of interest, and the Board has, in fact, accreted groups with less than a majority showing of interest. Additionally, the Board does not limit its accretion policy, as the NLRB does, to permit accretion without an election only in situations where new groups of employees have come into existence after a union's certification. *United Parcel Service*, 303 NLRB 326 (1991). In recognition of the Board's new standard for certification and these other factors, the Board should consider whether its accretion policy is ill-advised or too broad.

³ The Board also required elections before adding employees in new job classifications to existing certifications. *Hawaiian Airlines*, 15 NMB 193, 195 (1988). Generally speaking, prior to 1994, the only time the Board added employees to an existing certification without an election was when the employees were new hires into positions already covered by the existing certification or when the employer abolished positions covered by the existing certification and created new positions ostensibly outside of the certification to perform the same duties. *National Railroad Passenger Corp. (Amtrak)*, 113 NMB 412 (1986); *Florida E. Coast Ry.*, 18 NMB 460, 464 (1991).

The Board should seek input from interested parties and examine whether it would be more fair or respectful of employee choice to require an election, a greater showing of interest, or other safeguards before adding a group of employees to a certification without a vote.⁴ I did not dissent from the finding of accretion in this case both because no participant argued accretion was inappropriate and because I would prefer to provide notice and an opportunity for input before departing from the Board's established accretion policy.

⁴ While I recognize that the Board's rationale in changing its accretion policy in 1994 was, in part, to avoid fragmentation of crafts or classes, I note that this rationale is not without limits. Even the current policy recognizes that avoiding fragmentation does not always trump employees' rights under the RLA to choose their own representative. For example, without an "adequate" showing of interest, the Board currently would not accrete a group of employees even though that would arguably result in fragmentation.