



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
Application of the

UNITED STEELWORKERS

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

involving employees of

**REGIONAL ELITE AIRLINE
SERVICES**

38 NMB No. 71

CASE NO. R-7300
(File No. CR-7010)

FINDINGS UPON
INVESTIGATION-
DISMISSAL

September 20, 2011

This determination addresses the craft or class issue raised by Regional Elite Airline Services (Regional Elite). For the reasons described below, the Board finds that the proper craft or class is Fleet and Passenger Service Employees.

PROCEDURAL BACKGROUND

On March 16, 2011, the United Steelworkers (USW) filed an application with the National Mediation Board (NMB or Board) pursuant to 45 U.S.C. § 152, Ninth, alleging a representation dispute among Fleet Service Employees of Regional Elite. The employees are currently unrepresented.

The Board assigned Maria-Kate Dowling as the Investigator.

In response to the USW's application, Regional Elite filed a position statement on March 21, 2011 stating that the proper craft or class is Fleet and Passenger Service Employees. On March 28, 2011, the USW requested an extension of time to file an initial position statement. Regional Elite requested the same extension. The Investigator granted the requests.

On April 4, 2011, Regional Elite filed an initial position statement stating that the appropriate craft or class for these employees is Fleet and Passenger Service Employees.

The USW submitted an initial position statement on April 4, 2011 stating that it identified the craft or class as Fleet Service Employees.

On April 7, 2011, the USW and Regional Elite requested leave to file responses to the initial position statements. Investigator Dowling granted the requests. The case was reassigned to Investigator Susanna F. Parker on April 11, 2011.

On April 20, 2011, Regional Elite and the USW both filed responses. On April 26, 2011, Regional Elite requested an opportunity to file a rebuttal statement. The USW opposed the request.

Investigator Parker granted Regional Elite's request to file a rebuttal statement on April 27, 2011. The following day the USW requested an opportunity to file surrebuttal. The Investigator granted the request.

On May 3, 2011, Regional Elite filed a rebuttal to the USW's April 20, 2011 submission. The USW filed a surrebuttal on May 10, 2011. The USW filed an additional submission on August 9, 2011 and Regional Elite responded on August 10, 2011. The participants submitted position descriptions, declarations, organizational charts, and manuals described in detail below.

ISSUE

What is the proper craft or class for Fleet Service Employees at Regional Elite?

CONTENTIONS

REGIONAL ELITE

Regional Elite contends that the proper craft or class is Fleet and Passenger Service Employees. According to Regional Elite, there is no distinction between employees who perform fleet service functions or passenger service functions. Additionally, Regional Elite states that if the Board should allow the USW to amend its application, the USW should not be permitted to submit additional authorization cards. Regional Elite asserts that the NMB should not consider the 123 cards the USW submitted in its April 4, 2011

position statement filed more than a week after Regional Elite filed the List of Potential Eligible Voters (List). Finally, Regional Elite believes that the provisions of 29 CFR § 1206.4 should apply.

Regional Elite asserts that there are three different job classifications within the Regional Elite Customer Service Department at issue in this matter: Customer Service Agents (CSA), Certified Trainers (CT), and Customer Service Coordinators (CSC).

Regional Elite states that it provides all handling services (above-wing and below-wing) for 20 different regional airlines. Regional Elite asserts that this differentiates it from other third-party ground handling companies focusing solely on below-wing handling. Regional Elite contends “This is significant because in the regional airport locations . . . Regional Elite’s customers contract the Company to provide *all handling services*, above-wing and below-wing.” Regional Elite asserts that the combined Fleet and Passenger Service craft or class structure allows Regional Elite to accommodate carriers’ requests for changes, reductions, or expansions without harm to its employees or business.

According to Regional Elite, “CSAs duties include: all ticket counter, gate, baggage service, and ramp duties. . . CTs are active CSAs who perform numerous training duties. . . CSCs duties involve both below-wing (traditional Fleet Service; also referred to as ‘ramp’) and above-wing (traditional Passenger Service, also referred to as ‘ticket’ or ‘gate’) functions.” In the hubs, CSCs work in Airport Coordination Centers (ACC). Regional Elite acknowledges that it has delineated above-wing and below-wing CSAs in the hubs. Regional Elite points out that it “also employs CSCs (referred to in the hubs as ACC employees) whose duties entail both above/below-wing work.” Additionally, Regional Elite states that there is delineation between above-wing and below-wing CTs only in the hubs.

Regional Elite has two types of uniforms: (1) the above-wing uniform and (2) the below-wing/cross-utilized uniform. According to Regional Elite, “Over 70% of all Regional Elite stations have only one uniform choice: the cross-utilized uniform. At stations where employees may wear either above-wing or below-wing uniforms, many CSAs purchase both so that they can work in different areas of the operation. ACC employees are free to wear either of the two uniforms while performing their ACC duties or business casual attire.”

Citing *Simmons Airlines*, 15 NMB 124 (1988), Regional Elite contends it is the Board’s policy to make craft or class determinations on a system-wide basis. Regional Elite asserts that the high degree of overlapping duties

warrants a finding of a combined Fleet and Passenger Service craft or class on Regional Elite. Regional Elite contends that a majority of all CSAs are highly cross-utilized performing both fleet and passenger service duties. Regional Elite states that field employees are cross-trained and cross-utilized as well as regional airline specific trained. Regional Elite contends that “Upon completion of the required carrier-specific training, the CSAs in all of those field stations perform handling work for all carriers Regional Elite services in the station, thus there is no clear distinction between the fleet service functions and passenger service functions.” Additionally, Regional Elite contends that “all Regional Elite hub CSAs who perform predominantly below-wing duties are subject to the same terms and conditions of employment as all other hub and field station CSAs and should not (be) carved out to form a single craft or class.” Regional Elite states that all CSAs are paid at the same rate of pay for that hub or field station, regardless of the duties they perform; have common benefit and privileges; can transfer seamlessly throughout the system; share one seniority list; and have common schedules, uniforms, training, and policies. According to Regional Elite, “splintering the craft or class would have a direct negative impact on the Regional Elite CSAs in terms of flexibility, job security, seniority, transfer opportunities, and progression within the organization.”

Regional Elite asserts that “the USW has mischaracterized Sioux City, Iowa as a ‘sizeable’ location” when in fact it is one of the smallest stations employing approximately twelve CSAs. According to Regional Elite, CSAs in this station provide ticket, gate, and fleet service work for the Delta Connection Carriers (DCI). Similarly, Regional Elite states that 30 of the 50 CSAs in Indianapolis, Indiana are cross-trained and cross-utilized and the remaining 20 are in the process of being cross-trained. Regional Elite states that the Cedar Rapids, Iowa station employs 55 CSAs and performs both above-wing and below-wing work for the DCI carriers and for United Express. Finally, Regional Elite explains that “the Miami, Florida station previously lost the DCI above-wing work, and now performs only below-wing work for both Delta Air Lines mainline and the DCI . . .” Regional Elite contends that the scope of work in Miami could change to either add above-wing work or go to exclusively above-wing work and “dividing the craft or class into two separate groups could have a direct negative impact on the Miami CSAs, several of which previously performed above-wing work in that station.” Regional Elite asserts that dividing the employees into separate crafts or classes would restrict the CSAs current flexibility. Currently, a Miami CSA can transfer to any open position in the system without any effect on seniority or pay.

USW

USW contends that it has correctly identified the craft or class as Fleet Service Employees. USW argues that ramp agents have different job responsibilities, perform different work, wear different uniforms, receive separate training, and have different schedules than employees working at ticket counters or gates. Because of these differences, USW asserts that ramp agents fall under a management hierarchy separate from ticket and gate employees. USW states that Regional Elite's website advertises for managerial positions designated as "Performance Supervisor - Ramp" and "Performance Supervisor - Gate".¹ USW contends that Ramp Agents cannot easily transfer to ticket counter or gate positions but instead must apply for those positions and be retrained. Additionally, USW states that, through its website, Regional Elite advertises for positions designated as "Customer Service Ramp Agent" in addition to positions designated simply "Customer Service Agent."

According to USW, approximately 2000 Regional Elite employees "exclusively or predominantly perform ramp work." USW asserts that employees are cross-utilized only at Regional Elite's smallest stations. USW states that in the Minneapolis and Detroit hubs and other sizable stations, such as Miami, Indianapolis, Cedar Rapids, and Sioux City, employees perform exclusively ramp work and are not subject to cross-utilization." USW maintains that including these employees in a combined fleet and passenger service craft or class would be contrary to the Board's policy. USW asserts that the employees at Regional Elite are most similar to the employees at issue in *America West*, 22 NMB 54 (1994) and *Continental Airlines*, 10 NMB 433 (1983) where the Board found separate crafts or classes for fleet service employees and passenger service employees.

USW asserts that "Regional Elite tries to squeeze itself within the scope of those few Board decisions finding a combined craft or class of fleet and passenger service employees appropriate 'where the entire system is much smaller in scope and it is impossible to segregate employees performing fleet service work from those performing passenger service work.' *America West*, *above* at 64-65." USW contends that Regional Elite is not a small system and it is possible to separate Regional Elite's employees by job function.

¹ The USW asserts that Regional Elite incorrectly identified individuals as CSCs when in fact some have moved to the position of "Performance Supervisor". The USW contends that the Performance Supervisor position is a management position. This decision does not address the managerial issue.

According to USW, training for Ramp Agents is separate from training for other employees; therefore CTs working on the ramp only provide training for other ramp employees. Additionally, USW states that Regional Elite employees wear separate uniforms for above-wing and below-wing work. Finally, USW argues that some of Regional Elite's customers contract separately for below-wing or above-wing services.

USW also contends that "Regional Elite's assertion that representation as a separate fleet service craft will imperil employees' jobs is demonstrably false."

Finally, USW contends that the List Regional Elite supplied the Board is not current; therefore, there are over 200 names on the list of employees who have been terminated or resigned. USW asserts that since Regional Elite supplied the Board with an incorrect List that includes both ramp and customer service agents, Regional Elite should be required to produce a correct List and USW should be allowed to submit additional authorization cards until Regional Elite produces a correct List. Additionally, USW contends that if the Board finds that the proper craft or class is Fleet and Passenger Service Employees, the USW should be given an opportunity to amend its application. If the USW chooses not to amend its application, the USW contends that the case "would be dismissed for failure to state an appropriate craft or class, which the Board has long held does not trigger the application of the one-year bar rule contained in 29 C.F.R. § 1206.4."

FINDINGS OF LAW

I.

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

II.

The USW is a labor organization and/or representative as provided by 45 U.S.C. § 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

Regional Elite is a wholly owned subsidiary of Delta Air Lines, Inc. (Delta or DAL). Regional Elite provides airport ground handling services including: ramp services; baggage handling; cabin grooming and overnight aircraft cleaning; cargo services and cargo loading/unloading; commissary provisioning; de-icing services; diversion handling; potable water and lavatory services; and into-plane fueling to airlines. Regional Elite also provides customer service functions including: passenger processing services (ticketing and gate); baggage service/baggage claim; security/ticket check services, ground security coordinator services; and complaint resolution officer services to airlines. Regional Elite also provides customized training curriculums and classroom and/or computer- based training delivery.

According to Regional Elite's website, the company was formed in September 2009 by the consolidation of Comair and Mesaba airport customer service front-line and support team members and Comair airport customer service support team members.

Today Regional Elite services five different brands and 20 regional airlines at 91 stations: DAL (mainline and DCI), UAL/Continental (Express), American (American Eagle), Air Canada (through a contract with UAL), and US Airways (Express). Regional Elite is headquartered in Minneapolis, Minnesota and currently employs over 5000 employees system-wide, including management, headquarters, and personnel. There are approximately 3800 employees involved in this matter; approximately 1400 are employed in the two hubs Detroit Metropolitan County Airport (DTW) and Minneapolis St. Paul International Airport (MSP), and the remaining 2400 are employed in the field stations.

A. Job Description

CSA Position Description

Regional Elite's CSA position description reads, in pertinent part:

CSAs are responsible for performing all the duties associated with the ground service and station operations to ensure a safe, reliable and efficient airline operation.

Duties and Responsibilities:

- Load, unload and transfer baggage, cargo, mail and company property from aircraft to proper destination
- Direct passengers to and from the aircraft
- Operate various types of ground equipment including tugs, vans, ground power units, environmental units (heaters/air conditioners), portable lavs and de-icer units
- Groom the interior of the aircraft, including the servicing of lavatories
- Direct aircraft movement to and from proper parking locations
- Provide commissary provisioning for all flights
- Assist distressed passengers and other customer service agents
- Make flight reservations using airlines' computer system, issue airline tickets and boarding passes
- Make various informal announcements (PA)
- Calculate aircraft weight and balance shift
- Coordinate operations utilizing two-way radios
- Coordinate and assist flight crew members to ensure a safe and reliable operation

CSA (Outstation) Position Description

Regional Elite's CSA (Outstation) position description is identical to the CSA Position Description, and adds the following duty:

- Transfer baggage, mail and cargo to other carriers/locations

CT Position Description

Regional Elite's CT position description is the same for the hubs and the field stations and reads, in pertinent part:

Purpose of Position: To present any/all programs required at the station for the efficient and safe operation of Delta Connection carriers as well as other contracted airlines. . . . When not training, Certified Trainers will work as an active member of the station staff.

Major Duties/Responsibilities

- Conduct quality and consistent training as directed by Customer Service Education department.
- Ensure timely accounting of training records in LMS; and audits records for completion and compliance.
- Ensure all employees complete required training as necessary prior to performing their job function.
- Works as a liaison between Customer Service Education and Station Manager to ensure that training deadlines are met.
- Communicate all policy changes and pertinent information to station staff in a timely manner; ensure all training materials sent by the Customer Service education department are distributed to station employees as applicable.
- Communicate with the Customer Service Education department through emails, meetings and conference calls as required.
- Maintain proficiency in all assigned areas and performs all assigned Customer Service Agent functions in accordance with applicable Federal, State, Local and airport regulations, policies and procedures.
- Complete Initials and Recurrent certification courses as directed by the Customer Service Education department.
- Perform other duties as assigned.

CSC Position Description

Regional Elite's CSC position description reads, in pertinent part:

General Summary: Position functions as a lead worker, performing essentially the same work as those

supervised, and are responsible for training, instructing and scheduling work within the unit. Position has the authority to make decisions or suggestions based on rules or procedures; more difficult decisions are referred to higher levels to be resolved. Position is responsible for direct interaction with customers of the immediate work area and must access and satisfy their needs through actual assistance and/or providing information from readily available sources.

Specific Duties and Responsibilities:

- Coordinate activities on ramp to ensure aircraft arriving and departing from assigned gate areas are serviced within company and departmental objectives
- Proactively plan resource allocation at gate area to maximize efficiency in staff and equipment (such as fueling, water, window washing, baggage load and unload)
- Lead underwing activities based on established procedures and operational objectives
- Ensure all arriving flights are met and parked
- Ensure employees in assigned areas are working in a safe environment
- Perform FOD walks
- Inspect equipment to ensure safe operation
- Monitor and lead employees to ensure proper policy and procedures are being followed
- Report employee performance feedback (positive and developmental) to supervisor or manager
- Identify, reduce and explain delays
- Ensure paperwork for flight is correct and stored properly; Manifest, Fuel slips, Load slips

B. Regional Stations

Regional Elite submitted a declaration from Don Stephens, Senior Vice President. According to Stephens, 90 of Regional Elite's 91 field stations are contracted and awarded as regional stations. Therefore, "the customer defined them as regional in size and work scope, and then contracted all of the airport

services to a single supplier.” Stephen testifies:

Cross-utilization was approved in the proposed staffing levels and built into the financial terms. Regional Elite has only two Delta Air Line ‘mainline’ station contracts (Miami, Florida, and Knoxville, Tennessee). Both of these Delta mainline contracts were inherited from Comair. Regional Elite does not pursue mainline station handling agreements, which typically include only fleet service work. Delta Air Lines previously determined Miami, Florida was a mainline station. Previously the station had both mainline and regional operations that were separate, and Comair handled both the gate and the ramp of the regional operation. Comair then became the ramp handler for Delta mainline once the operation was consolidated. Knoxville is similar to Miami. It became a Delta mainline station, and Comair became the ramp handler for mainline Delta flights. However, today in Knoxville, Regional Elite also handles United Express regional carriers. So, while Delta defines Knoxville as a mainline station, United defines it as a regional station. Accordingly, Regional Elite provides both above-wing and below-wing duties for the United Express carriers in this station.

C. Hubs

Regional Elite submitted a declaration from Leo Malloy, Vice-President of Customer Service. Malloy states that “while there is delineation between above-wing and below-wing employees in the MSP and DTW hubs, some hub employees are also cross-trained and cross-utilized.” According to Malloy, a CSA² can, in one shift, perform above-wing and below-wing work for one carrier, and then walk down a concourse and handle only above-wing duties for another carrier. In MSP and DTW, Regional Elite CSAs perform the gate functions for most of the DCI carriers. DAL mainline employees perform the ticket counter functions for both DAL mainline and DCI flights. With respect to below-wing functions in the hubs, Regional Elite CSAs handle nearly all of the DCI carriers. Malloy testifies that all hub CSAs can bid for open above-wing or

² Except as otherwise noted, all Regional Elite employees at issue in this case will be referred to collectively as CSAs.

below-wing schedules by completing a transfer request and bidding on the open position. Positions are awarded based on seniority. Malloy also states that when there are no openings for above-wing positions in the hubs, new hires are frequently put into below-wing positions with the intention of transferring to an above-wing position when a vacancy opens.

D. Training

Regional Elite submitted a declaration from Nancee Franklin, Director, Standards and Training. According to Franklin, Regional Elite provides the following training to all new-hire CSAs: Bloodborne Pathogens; Safety and Human Factors; Ergonomics; Sky Priority; Delta Annual Qualification Training (wheelchair handling/assisting passengers with disabilities/selectee process); United Dangerous Goods (UAL stations only); Sustaining Performance Above Wing; Sustaining Performance Below Wing; Sustaining Performance Station Ops; ACS Alert Emergency Response; and ATO Codes Exercise.

Franklin testifies that in the hubs, once a CSA completes the initial training, he/she will start either an initial below-wing or above-wing training program. CSAs initially performing below-wing work in a hub receive one week of classroom training, followed by two weeks of on-the-job training. CSAs initially performing above-wing work in a hub receive two weeks of classroom training followed by two or three weeks of on-the-job training. If either group needs additional training once they are assigned a position in the hub, that happens next.

According to Franklin, new hire field station CSAs training is a bit different. After the same initial training that hub CSAs complete, they progress to a below-wing training followed by on-the-job training. They may then work in a below-wing position before progressing on to above-wing training. Other times newly hired CSAs start by shadowing CSAs performing their duties at the gate and/or ticket counter followed by above-wing training. Once the CSA completes above-wing training, he/she may be sent back for mentoring by the Station Manager, Performance Supervisors, CSTs, or even other CSAs. The field employees later go through an advanced above-wing training session. In addition, all CSAs are required to take recurrent training.

E. Pay

Regional Elite submitted a declaration from Janine Guzick, Director of the People Department. According to Guzick, "all new-hire CSAs, whether in the hub or in the field, are paid at the same rate of pay for that hub or field station, regardless of the duties they perform. The only variation in pay rate is

between the stations and is based on geographic and COLA factors.” Guzick states that Regional Elite’s starting pay in the hubs is \$8.75 per hour and employees receive an increase after six months and once every year they complete their progressive pay scale. The former Mesaba and Comair customer service employees were grandfathered in at their respective rate of pay; however neither Comair nor Mesaba differentiated in pay rates between above-wing or below-wing positions.

F. Scheduling, Policies and Procedures

Malloy, Vice-President of Customer Service, states that all hub CSAs can bid for available above-wing or below-wing positions by completing a transfer request and bidding on the opening. All positions are awarded based on seniority. According to Malloy, “When there are no open new hire positions for above-wing positions in the hubs, new hires are frequently put into below-wing positions with the intention of transferring to an above-wing position when a vacancy opens. In addition, if a hub CSA wishes to move from part-time to full-time (or vice versa), he/she can simply submit a transfer request, which will be awarded based on available vacancies and in accordance with the employee’s system seniority.”

According to Guzick, Regional Elite maintains one master system-wide seniority list and CSAs share common terms and conditions of employment, have common benefits and privileges, can transfer into any open position, have common schedules, and are subject to the same company and departmental procedures and policies.

Malloy testifies that hub CSAs commonly bid “seasonal schedule changes” by bidding a different available schedule (either above-wing or below-wing) in order to work a different shift.

Malloy testifies that ACC employees are ramp and/or gate certified at both hubs and often pick up available shifts on the ramp or gate according to their availability. According to Malloy, CSAs perform the above-wing work for nearly all the Delta Connection Carriers (DCI) at both hubs. Malloy states that Delta employees perform the above-wing functions for both DAL mainline and DCI flights while Regional Elite CSAs provide the below-wing functions for “nearly all of the DCI carriers.”

Regional Elite also has a Temporary Duty (TDY) program allowing Regional Elite to make temporary assignments based on need. Any CSA may sign-up to fill-in where needed based on their qualifications.

G. Uniforms

Regional Elite has two types of uniforms: (1) the above-wing uniform and (2) the below-wing/cross-utilized uniform. According to Malloy, many field station CSAs purchase both uniforms as they are required to perform both above-wing and below-wing duties. Malloy testifies that the individual airline customers decide which uniform the CSA wears.

H. Sioux City, Indianapolis, and Cedar Rapids

Regional Elite submitted a declaration from Sandie Samuelson, Regional Manager for 19 field stations and previously responsible for the Sioux City station. Samuelson testifies that “For all of my 19 stations, I have directed each Station Manager to fully cross-train and cross-utilize their respective station employees.” According to Samuelson, “there is no delineation between above-wing and below-wing CSAs in Sioux City. All CSAs must be able to work all positions within the station upon completion of required training.” Samuelson testifies that the job posting “Customer Service Ramp Agent” for Sioux City, submitted by the USW is an error and that “the Sioux City station does not hire or post positions for ‘Ramp Agents.’”

Samuelson also testifies that “Sioux City employees do not bid specific ‘positions’ to work” nor do any of the other field stations. Instead, Samuelson states, “CSAs bid for a specific shift in a particular status (e.g. full-time, part-time or part-time flex).” Sioux City CSAs are required to wear the cross-utilized uniforms and report to the same Station Manager.

Regional Elite submitted a declaration from Cindy Bohlken, Customer Service Manager for the Eastern Iowa Airport in Cedar Rapids, Iowa (CID). According to Bohlken, Regional Elite performs above-wing and below-wing work for DCI flights and United Express flights. Bohlken testifies that Regional Elite employs 55 CSAs in CID, 20 are cross-trained, and ten are currently undergoing cross-training. According to Bohlken, “My goal is to have all CSAs cross-trained. Regardless of whether they are cross-trained, CSAs bid on both above-wing or below-wing bid schedules, which are awarded based on seniority. If a CSA is awarded an above-wing schedule for a bid period but that CSA is not cross-trained, the CSA will receive above-wing training so that he/she can work the awarded schedule . . . [I]t is not unusual for a CSA to bid above-wing for one period and then bid below-wing for the next. Cedar Rapids Performance Supervisors are not delineated between above-wing or below-wing work.”

Regional Elite also submitted a declaration from Becky Lawless, Station Manager of the Indianapolis, Indiana Station. Lawless testifies that 30 of the 50 CSAs in Indianapolis are cross-trained and the remaining 20 are in the process of being cross-trained. According to Lawless, "My goal, which is consistent with Regional Elite's training footprint, is to have all new hires completely cross-trained within ninety days of their date of hire." Lawless states that Indianapolis Performance Supervisors are responsible for supervising all CSAs (above-wing and below-wing). According to Lawless, there are five CTs in Indianapolis. Lawless states

Four of the five were just recently promoted to this position. The CSA who held a CT title at the time I promoted these additional four must complete a United Airlines-specific training. When that training is completed, he will be completely cross-trained and cross-utilized to train on both above-wing and below-wing functions. Of the four CSAs recently promoted, three are completely cross-trained and cross-utilized as CSAs. The fourth must now attend a two-day training class before they will be released as qualified CTs in the Indianapolis Station. After the required training regime is complete for all five of these individuals, they will be fully cross-utilized in their CT training duties.

I. Miami

Don Stephens, Senior Vice President for Regional Elite, testifies that prior to the Delta bankruptcy, Comair handled both above-wing and below-wing work for the DCI at the Miami, Florida station. DAL mainline provided both gate and ramp handling for the DAL mainline flights. During the DAL bankruptcy, Comair took over the ramp duties for DAL mainline and the DCI carriers, but lost the gate (above-wing) work for the DCI. The Comair employees were transitioned to a below-wing group only. This remained constant through the Delta/Northwest merger and the contract was eventually transitioned to Regional Elite.

DISCUSSION

The Board makes craft or class determinations based on a work-related community of interest. *AirTran Airways, Inc.*, 28 NMB 500 (2001); *National Airlines, Inc.*, 27 NMB 550 (2000); *American Airlines, Inc.*, 26 NMB 106 (1998). In determining the proper craft or class for employees, the Board is guided by

the Representation Manual (Manual) Section 9.1 which states:

In craft or class determinations, the NMB considers many factors, including the composition and relative permanency of employee groupings along craft or class lines; the functions, duties, and responsibilities of the employees; the general nature of their work; and the extent of community of interest existing between job classifications. Previous decisions of the NMB are also taken into account.

The Board examines the actual duties and responsibilities of employees, not merely job titles when determining whether there is a work-related community of interest. *AirTran Airways*, above at 508; *National Airlines*, above at 555; *American Airlines*, above at 117. The Board makes craft or class determinations on a system-wide basis. See, *Summit Airlines, Inc. v. Local 295*, 628 F.2d 787 (2d Cir. 1980). Where there is a high degree of overlap between fleet and passenger service functions, the Board has found the appropriate craft or class to be Fleet and Passenger Service. *Simmons Airlines*, 15 NMB 124 (1988).

The USW's reliance on *America West*, 22 NMB 54 (1994) is misplaced. In *America West*, above, the Board found that while "some employees at smaller stations may perform both fleet and passenger service functions, the vast majority of America West's CSRs perform primarily either fleet service functions or passenger service functions." Accordingly, the Board found that the proper craft or class was Fleet Service Employees rather than Fleet and Passenger Service Employees. In the present matter, although there is delineation between fleet service and passenger service at DTW and MSP (1400 employees at issue), the Board finds based upon its examination of the record that there is no clear distinction between "ramp" functions and "passenger" functions at Regional Elite's regional stations (2400 employees at issue). Therefore, the majority of Regional Elite's CSAs are cross-utilized.

Similarly, the Board's decision in *Continental Airlines*, 10 NMB 433 (1983) is equally distinguished. In *Continental Airlines*, above, the Board found that the overwhelming majority of employees in question specialized in either ramp work or passenger service work. Additionally, cross-utilization was relatively rare. As noted above, the majority of Regional Elite CSAs are cross-utilized.

In *Britt Airways, Inc.*, 10 NMB 137 (1983), there was a clear distinction between the employees who performed fleet service work and those who

performed passenger work at the carrier's four larger stations. However, at the other fifteen stations, the same employees performed both passenger service functions and fleet service functions. The Board found that the appropriate craft or class was one consisting of Fleet and Passenger Service Employees.

In *AirTran Airways*, above, AirTran had one hub employing 220 CSAs, 465 Ramp Service Agents, and 615 CSAs at the 33 outlying stations. The outstation CSAs' job duties included ramp, ticket, and gate responsibilities. Based on overlapping job responsibilities, strong work-related community of interest, similarity of terms and conditions of employment, and salary and fringe benefits among these employees, the Board found the proper craft or class at AirTran was Fleet and Passenger Service Employees.

The record in this case is very similar to *AirTran Airways*. The CSAs on Regional Elite have overlapping job responsibilities, a strong work-related community of interest, similar terms and conditions of employment, and salary and fringe benefits. Therefore, the proper craft of class at Regional Elite is Fleet and Passenger Service Employees.

CONCLUSION AND DISMISSAL

The Board finds that the proper craft or class is Fleet and Passenger Service Employees at Regional Elite.

NMB Manual (Manual) Section 3.3 states that "an applicant . . . may present the Investigator with additional authorizations up until 4 p.m., Eastern Time, on the day the Investigator receives the applicable list and signature samples." Regional Elite submitted an applicable List on March 21, 2011. Pursuant to Manual Section 3.3, the Board will not consider the authorization cards the USW submitted on March 31, 2011.

The USW has failed to provide a sufficient showing of interest to authorize an election. Therefore, the Board finds no basis to proceed in this matter and the application is hereby dismissed. NMB File No. CR-7010 is converted to NMB Case No. R-7300 and closed.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson
General Counsel

Copies to:

Sarah L. Fuson

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