



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the

TRANSPORTATION
COMMUNICATIONS
INTERNATIONAL UNION

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

involving employees of

METRO-NORTH RAILROAD

39 NMB No. 49

FILE NO. (CR-6985)

FINDINGS UPON
INVESTIGATION

June 13, 2012

This determination addresses the application of the Transportation Communications International Union (TCU or Organization), an affiliate of the International Association of Machinists and Aerospace Workers, alleging a representation dispute pursuant to the Railway Labor Act¹, 45 U.S.C. § 152, Ninth (Section 2, Ninth), among Information Technology (IT) employees at Metro-North Railroad (Metro-North or Carrier). TCU currently represents the Clerical, Office, Station and Storehouse Employees at Metro-North and asserts that the IT employees are part of the Clerical, Office, Station and Storehouse Employees craft or class.

For the reasons set forth below, the National Mediation Board (NMB or Board) finds Metro-North's IT employees are part of the craft or class of Clerical, Office, Station and Storehouse Employees.

¹ 45 U.S.C. § 151, et seq.

PROCEDURAL BACKGROUND

On July 21, 2010, TCU filed its application with the Board and it was assigned File No. CR-6985. The Board assigned Maria-Kate Dowling to investigate. On August 13, 2010, Metro-North filed its initial position statement. TCU filed its response on September 9, 2010. On September 17, 2010, pursuant to the Investigator's request, Metro-North provided job descriptions for all job titles at issue, as well as company organizational charts describing the supervisory structure of the Carrier's IT Department. Metro-North filed an additional statement on September 20, 2010. Investigator Dowling requested additional information from the participants, with both TCU and Metro-North responding on October 29, 2010. The case was reassigned to Investigator Cristina A. Bonaca on March 6, 2012.

ISSUES

Are Metro-North's IT employees management officials? If not, are they properly in the Clerical, Office, Station and Storehouse Employees craft or class?²

CONTENTIONS

METRO-NORTH

Metro-North opposes the TCU's application and requests the Board to dismiss it in its entirety, or in the alternative, authorize an election for the employees in its IT Department. Metro-North first contends that the positions at issue are managerial in nature and have been considered management positions for over 25 years. Specifically, Metro-North contends that these individuals exercise a high level of autonomy and independent judgment; supervise other employees; commit carrier funds; affect company policy; and have access to confidential and privileged information. Further, Metro-North states that these employees are salaried and participate in management compensation and benefit programs. Next, Metro-North argues that the IT employees should be excluded under the alter ego doctrine as these positions are so "substantially intertwined with the significant managerial responsibilities....that they are effectively the managers' alter ego for purposes of representation under the Railway Labor Act." See *China Airlines, Ltd.*, 6 NMB 434, 440 (1978). Finally, Metro-North contends that the IT employees do not share a community of interest with the Clerical, Office, Station and

² The decision does not address the other issues raised by the participants in this matter.

Storehouse Employees craft or class. The Carrier argues that the positions currently represented in the Clerical, Office, Station and Storehouse Employees craft or class are unskilled hourly positions that do not require any level of advanced education or training. Metro-North believes its IT employees' responsibilities and duties stand in stark contrast to the represented employees, in terms of authority, independence, training and education required, and salary.

TCU

The TCU contends that Metro-North's IT employees are appropriately in the Clerical, Office, Station and Storehouse Employees craft or class. Further, TCU states that the IT employees are not management officials as they cannot hire, fire or discipline employees, they cannot create carrier policy, and their ability to exercise independent judgment is based on their technical knowledge. Further, none of these employees can direct or assign work. TCU provided declarations and job descriptions in support of its position. Moreover, the Organization argues that Metro-North failed to produce any substantive evidence that any of the IT positions at issue are management officials.³ With respect to the alter ego argument, TCU contends that the Carrier misunderstands the doctrine. According to the Organization, the Board's use of this doctrine has been extremely limited, usually with a secretary-manager relationship, and never with respect to an IT employee. Further, the Organization notes that the Carrier failed to provide any substantive evidence that these individuals' work is substantially involved with significant managerial responsibilities. Finally, TCU contends that the Board has repeatedly found IT employees properly part of the Clerical, Office, Station and Storehouse Employees craft or class. *See Long Island Rail Road*, 24 NMB 664 (1997); *Republic Airlines, Inc.*, 11 NMB 57 (1983).

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:

³ On September 17, 2010, at the Investigator's request, Metro North provided job descriptions for all the job titles at issue, and organizational charts for the IT Department. Three job descriptions were not included as these positions are no longer in existence at Metro North: 1) Administrative Assistant; 2) Sr. Assurance Analyst; and 3) Sr. Systems Programmer.

I.

Metro-North is a common carrier by rail as defined in 45 U.S.C. § 151.

II.

TCU is a labor organization and/or representative as provided by 45 U.S.C. § 151, Sixth.

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

The IT Department positions are as follows: 1) Asset Manager Analyst, 2) Computer Support Analyst, 3) Operations Specialist II, 4) Programmer, 5) Security Administrator, 6) Senior Storage Administrator, 7) Senior Systems Analyst, 8) Senior Systems Analyst II, 9) Sr. Technical Team Leader, 10) Sr. Computer Support Analyst, 11) Systems Analyst, 12) Sr. Network Support Analyst, 13) Sr. Programmer, 14) Sr. Server Administrator, 15) Manager Desktop Services, 16) Senior Platform Support Analyst, 17) Senior Production Control Analyst, and 18) Asset Management Specialist.

TCU provided a declaration from one of Metro-North’s Computer Analysts. The declarant stated that he has working knowledge of the jobs at issue as he works directly with these employees in the IT Department. He states that the main duty of these positions is to operate and maintain the computer systems for Metro-North, and that all of these positions have least three levels of management above them. Further, he states that none of the positions, including those called “manager,” have the authority to hire, fire, or discipline employees, to direct or assign work, to make policy, or to control

overtime or leave requests. In addition, the declarant states that none of these positions controls the budget or has the authority to expend significant resources without approval at a higher level.

When we plan a vacation or take a sick day we simply call in to the Director, Steven Teal, to let him know. . . . To the extent that these employees exercise judgment in carrying out their responsibilities, it is based on their technical knowledge. Otherwise, they are obligated to follow the rules and procedures of Metro-North and to seek approval from the Director of IT and VP of Finance before deviating from the established guidelines.

Metro-North provided organization charts for its IT Department which showed that 17 of the above positions were in the third management tier, below the Deputy Director, and Directorate level. Only the Manager Desktop Services was in the second tier of the Customer Support Department, however, notably his title is Manager rather than Director. In addition, Metro-North provided position descriptions for the jobs at issue, which are listed in detail below.

1. Asset Manager Analyst. The primary purpose of this position is to provide hardware and software inventory control and asset management support services to the IT technical services staff and the entire IT customer community. Major responsibilities include: maintain inventory of computer hardware and software; receipt for inventory received; dispense hardware and software to IT staff; dispense computer supplies; and provide back up support to other positions involved in the asset management function. While an Associate's degree is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.
2. Computer Support Analyst. The primary purpose of this position is to provide quality hardware and software support for all employees using microcomputers throughout the Metro-North community. Major responsibilities include: respond to Help Desk calls; install and configure new hardware and software and perform upgrades; provide backup support for senior members of the Desktop Services team; provide administrative and technical support to various

departmental functions. While an Associate's degree is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.

3. Operations Specialist II. The primary purpose of this position is to provide quality IT customer support in a 24-7 operation; to monitor mainframe online systems and run and report on production and batch processes; and oversee and report on back-ups for critical Metro-North data. Major responsibilities include: initiate mainframe production jobs and monitor the batch processing schedule; provide 24-7 Help Desk support and troubleshooting for mainframe, mid-range and desktop applications; monitor production regions for mainframe and server; and monitor backup jobs to successful completion insuring that all data is available and recoverable at times. While an Associate's degree is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.
4. Programmer. The primary purpose of this position is to code and test programs for development and enhancement of web-based and/or client/server software/application systems. Major responsibilities include: code and deliver easily maintainable programs according to the specifications provided; appropriately test, debug, and deliver the programs; and prepare IT standard documentation to implement program changes in production. While an Associate's or Bachelor's degree is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.
5. Security Administrator. The primary purpose of this position is to implement and monitor access to the railroad's computer systems on all computing platforms and ensure physical security within the department, physical access control within MTA Metro-North Railroad designated property, and resolve complex security problems. Major responsibilities include: perform user account and access control processing;

monitor and generate security and violation logs; maintain ongoing development and enforcement of existing security policies and procedures; work with customers and IT staff to troubleshoot problems; work with customers and IT staff on security best practices and techniques; implement and monitor physical security procedures; assist and backup other systems administration staff; and analyze and evaluate new products, systems, and emerging security technologies. While a Bachelor's degree is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.

6. Senior Storage Administrator. The primary purpose of this position is to ensure that Metro-North's corporate data that resides on servers is properly backed up and is recoverable at all times, and to ensure that backup and recovery hardware/software environments are installed, properly configured, adequately maintained and completely documented at all times. Major responsibilities include: schedule all backup jobs to ensure that data is available and recoverable at all times; provide software and hardware support, training and mentoring to IT Operations staff; perform business recovery testing; and research and analyze new and up to date products and technologies. While a Bachelor's degree is preferred, the position description says other experience, education and technical credentials will be considered. The position description also states that a Master's degree is preferred. This position does not supervise any employees.
7. Senior Systems Analyst. The primary purpose of this position is to develop and maintain assigned IT projects. The Senior Systems Analyst also assists the immediate supervisor in the development and enhancement of computer systems and programs. Major responsibilities include: perform tasks necessary to meet requirements of customers, maintain integrity of systems, and comply with established procedures; coach, instruct and evaluate project team in technical skills; develop system and program design specifications and advise immediate

supervisor of performance issues; perform project management responsibilities of immediate supervisor in his/her absence; keep current with all tasks handled by the project team; and coordinate with staff and outside vendors to evaluate business requirements of application customers. While a Bachelor's degree is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.

8. Senior Systems Analyst II. The primary purpose of this position is to assist in managing the IT programming area's support of corporate and strategic objectives through maintenance of software, software development, and improvement of the applications supporting the work of IT customer departments and providing technical consulting services to IT staff. Major responsibilities include: independently initiate and control analytical and technical projects for software development and major enhancements from project initiation through implementation; act as team leader to perform functions associated with management and support of applications; perform tasks necessary to meet IT Department goals, maintain integrity of systems, and comply with established procedures; and prepare cost estimates for planning and budget purposes. While a Bachelor's degree is preferred, the position description says other experience, education and technical credentials will be considered. The position description also states that a Master's degree is preferred. This position does not supervise any employees.
9. Sr. Technical Team Leader. The primary purpose of this position is to lead specific large scale projects dictated by the business and technology needs of the department and the company. Major responsibilities include: assume complete ownership of given LAN/WAN project, managing and participating in all technical tasks and non-technical tasks, such as procurement, milestones, and quality of product; evaluate, test and make recommendations on new products on the market;

coordinate activities with other groups involved in the project; participate in employee development for staff assigned to the project; perform all management tasks and provide leadership in the absence of the Assistant Director. While a Bachelor's degree in electrical engineering or computer science is strongly preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.

10. Sr. Computer Support Analyst. The primary purpose of this position is to provide automated solutions to business problems requiring complex technical solutions, to provide technical and customer support to existing installations, and to make recommendations regarding departmental technical directions. Major responsibilities include: install, configure, and troubleshoot complex hardware and/or software installations in a network environment; evaluate customers' requirements for complex automated solutions and recommend and follow up regarding efficacy of the necessary hardware and software; serve as lead technical resource, advising and assisting other staff and IT customers; participate as needed in developing training, documentation, standards and practices; evaluate new products and technology and assist other departments with the development of technical specifications for computer-related equipment; provide back up support to other Desktop positions; and provide administrative/technical support to various functions such as procurement, documentation of installations, and departmental performance tracking. While a Bachelor's degree in Electrical Engineering or Computer Science is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.

11. Systems Analyst. The primary purpose of this position is to perform assigned systems analysis and programming tasks to develop and enhance computer systems and projects on one or more platforms such as client-server and/or web. Major responsibilities include:

evaluate business requirements and develop system and program design specifications; prepare clearly written documents, including technical specifications, task plans and IT standard documentation; identify and resolve system problems; code programs according to specifications; and develop, execute and evaluate appropriate testing. While an Associate's, Bachelor's or Master's degree is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.

12. Sr. Network Support Analyst. The primary purpose of this position is to provide Metro-North with quality local and wide area networking that can support mission critical systems 24 hours a day, 7 days a week, and to provide quality customer support to those using the network. Major responsibilities include: configure and install servers for various functions, and troubleshoot and maintain servers for 24 hours, 7-day reliability and create all relevant documents; take leadership role in installation, configuration, documentation and maintenance of all networking equipment, including routers, hubs, switches, cabling; work with network administrations, and other staff to insure trouble free interaction between software systems and networks; and assess and troubleshoot all connectivity problems and provide quality solutions in a cost-effective manner. While a Bachelor's degree in electrical engineering or computer science is strongly preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.
13. Sr. Programmer. The primary purpose of this position is to analyze business systems, and to code and test programs for the development and enhancement of web-based and/or client/server software/application systems. Major responsibilities include: develop code and deliver easily maintainable programs according to the specifications provided; appropriately test, debug, and deliver the programs; and prepare IT standard

documentation to implement program changes in production. While a Bachelor's degree in computer science or a related discipline is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.

14. Sr. Server Administrator. The primary purpose of this position is to lead the installation, configuration, administration and ongoing operation of Metro-North Railroad midrange server environment. A primary focus of this position is to provide hands on functional and technical expertise in the administration of the servers in Metro-North's PeopleSoft system, including database servers, web servers, and application servers. Major responsibilities include: assume complete ownership of the servers in the PeopleSoft environment; coordinate all phases of the implementation and secure operation of Metro-North's server environment, including technical and non-technical tasks, and work with staff to ensure steady operation and availability of all server based systems; evaluate and test new products on the markets and make recommendations as to their potential value; and perform all management tasks and provide leadership in the absence of the Assistant Director. While a Bachelor's degree in Information Systems or Computer Science is strongly preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.
15. Manager Desktop Services. The primary objectives of this position are to: manage the day to day functioning of the Help Desk and/or field team; assist the Deputy Director in supplying the user community with the appropriate desktop hardware and software to meet business needs; assist the Deputy Director in the implementation of major initiatives and other planned activities; research and participate in the evaluation of new hardware and software; and manage the asset disposition process. Major responsibilities include: manage the staff and business of the Help Desk in the

support, service, and maintenance of microcomputer hardware and software used through the organization; identify, research and evaluate new technology; manage the asset disposition process, identifying equipment and coordinating removal; and assist in future planning for Metro-North's desktop services. While a Bachelor's degree in Computer Science is preferred, the position description says other experience, education and technical credentials will be considered. The Manager Desktop Services directs the Computer Support Analysts and the Sr. Computer Support Analysts.

16. Senior Platform Support Analyst. The primary purpose of this position is to maintain the Metro-North server infrastructure and provide administration and support of the 24 x 7 mission critical systems. Major responsibilities include: coordinate all phases of implementation and secure operation of Metro-North's server environment, including technical and non-technical tasks, and working with staff to ensure steady operation and availability of all server based systems; configure and install servers for various functions, troubleshoot and maintain servers for 24 hours, 7-day reliability, and create all relevant documents; work with network administrators, Help Desk technicians, and applications staff to insure trouble-free interaction between systems and servers; and evaluate, test, and make recommendations regarding new products on the market. While a Bachelor's degree in Computer Science is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.
17. Senior Production Control Analyst. The primary purpose of this position is to set up Computer Operations job schedules, troubleshoot production problems, and provide back-up coverage for input/output functions. Major responsibilities include: review and schedule production batch cycles; create and maintain production run sheets and documentation for 24/7 operations; monitor distribution of all output; schedule all request and yellow sheet jobs for batch

production cycles; maintain all tracking mechanisms (spreadsheets and databases) for reconciliation of vendor bills and serve as backup clerk for these duties; and maintain various spreadsheets and databases as needed for production control. While an Associate's degree in Computer Science is preferred, the position description says other experience, education and technical credentials will be considered. This position does not supervise any employees.

18. Asset Management Specialist. The primary purpose of this position is to coordinate and assist with the timely receipt and distribution of inventory and maintain accurate inventory records, following the established procedures for controlling the assets. Major responsibilities include: monitor and ensure inventory database is accurate and up-to-date; issue requisitions for equipment, software, and supplies, following established internal IT and Metro-North procedures; maintain adequate equipment and supply stock levels; assist with inventory receipt, logging information into appropriate system along with the coordination of placement in stock room; assist with timely distribution of supplies and equipment; assist with asset disposition process; and provide on-board sales hardware support. While an Associate's degree is preferred, experience, education and technical credentials will be considered. This position does not supervise any employees.

DISCUSSION

I. Status as Management Officials

TCU contends that the IT employees are properly in the Clerical, Office, Station and Storehouse Employees craft or class. The Carrier asserts that these individuals are management officials, and, therefore, not part of the craft or class.

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 *United Air Lines, Inc.*, 32 NMB 75, 110 (2004); *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 factors are viewed cumulatively the individuals at issue generally are first-line supervisors, not management officials." *USAir*, *above* at 41.

Metro-North argues that the IT employees are management officials as they exercise a high level of autonomy and independent judgment, supervise other employees, commit carrier funds, affect company policy, have access to confidential information, and are salaried as management officials. The Carrier states that some of the positions at issue have the ability to affect staffing within the IT department, resulting in overtime costs that commit Carrier funds. Metro-North states while Carrier policy is generally created at the senior management levels, "the positions in question regularly create and participate in Company-wide missions related to the use of information technology." Further, some of the job descriptions "explicitly state that the

creation, implementation, and management” of IT policy is a primary job duty. Metro-North states that these employees “play an integral role” in creating programs to protect confidential information, and thus have access to budget, personnel, and privileged information.

The main duty of this employee group is to support all IT functions at Metro-North. The position descriptions offered as evidence do not describe access to confidential information as a core job function, or even describe the types of information that these employees have access to. Fairly universally, IT employees in any company will have access to proprietary and confidential information stored in its computer systems, but this does not elevate them to management status. Access to confidential information, without other indicia of management status, is insufficient to render an employee a management official. *United Air Lines, above*, at 117.

According to the job descriptions and organizational charts, none of these positions have the authority to direct subordinates. The exception is the Manager Desktop Services, who directs the Computer Support Analysts and the Sr. Computer Support Analysts. However, no evidence was presented that this employee has the authority to dismiss or discipline employees, to transfer or establish assignments, to authorize and grant overtime, or perform any other of the duties associated with management officials. While several positions, for instance the Security Administrator, the Senior System Analyst, the Sr. Technical Team Leader, and the Sr. Server Administrator, perform some management tasks in the absence of their immediate supervisor, these tasks are temporary and not part of their regular duties. *See United Air Lines, above*, at 114 (employees who filled in for supervisors were not found to be management officials).

There was insufficient evidence presented to demonstrate that any of the IT positions has the authority to create carrier policy. The “policy” factor of the Board’s test looks at whether the employee meaningfully and directly participates in the creation of carrier policy. *See ERA Aviation*, 26 NMB 507, 515 (1999). Some of these employees are responsible for implementing IT policy but the position descriptions make clear that they implement existing policy rather than create new policy without approval and authorization from upper management. For instance, the Senior Systems Analyst II “assist[s] in managing the IT programming area’s support of corporate and strategic objectives through maintenance of software [and] software development. . . .” The Senior System Analyst “develop[s] and maintain[s] assigned IT projects.” The Sr. Technical Team Leader “lead[s] specific large scale projects dictated by the business and technology needs” of Metro-North. Metro-North has not presented any evidence showing that its IT employees’ duties of implementing

IT policy includes any meaningful or direct participation in the creation of Carrier policy. See *United Air Lines, above*, at 114 (2004) (work writing departmental policies and procedures insufficient to establish that employees create carrier policy as no evidence presented with respect to final review of policies or how limited the employees were by pre-existing carrier policies, manuals, or directives).

With respect to Metro-North's assertion that the IT employees' independent judgment renders them management officials, the evidence demonstrates that these employees' exercise of judgment is based on their technical expertise, and is limited by Metro-North's procedures and policies. See *US Airways, Inc.*, 28 NMB 91, 100 (2000) (citing *US Airways*, 26 NMB 359, 372 (1999) (supervisors' exercise of judgment was based upon technical expertise and not "the same type of judgment which the Board finds is typically exercised by management officials").

Metro-North states that some of the positions at issue have the ability to affect staffing within the IT department, resulting in overtime costs that commit carrier funds. None of the job descriptions explicitly provide that any employee has the authority to authorize overtime or otherwise commit carrier funds and no other evidence was provided to support this contention. The job duties are insufficient to show that any employee has the authority to make significant and unfettered expenditures of carrier funds so as to render him ineligible as a management official. See *United Air Lines, Inc.*, 32 NMB 75, 117 (2004); *Hawaiian Airlines, Inc.*, 29 NMB 308, 313 (2002).

Metro-North contends that many of the IT employees are salaried as management officials but presented insufficient evidence to support this contention. No evidence of this was presented in the position descriptions and there was no management declaration attesting to such. Further, the Board has consistently said that the receipt of management benefits and/or salary is insufficient to render an employee a management official. See *United Air Lines*, 32 NMB 75, 114 (2004); *US Airways*, 26 NMB 359, 372 (1999); *Continental Airlines, Inc./Continental Express, Inc.*, 26 NMB 343, 351 (1999).

II. Alter Ego Doctrine

Alternatively, Metro-North argues that the IT employees should be found management officials through the alter ego doctrine. The Board has occasionally applied the alter ego doctrine to find certain positions, usually personal secretaries, management officials by virtue of the fact that they are "so substantially intertwined with the significant managerial responsibilities of those officials that they are effectively the managers' alter ego for purposes of

representation under the Railway Labor Act.” See *China Airlines, Ltd.*, 6 NMB 434, 440 (1978) (Board found secretaries of the General Manager and Deputy General Manager to be alter ego of management officials and ineligible to participate in the election); see also *Pakistan Internat’l Airlines*, 29 NMB 149 (2002) (Board upheld an investigator ruling that a secretary was not the alter ego of her manager, as her work was exclusively administrative and she did not perform tasks generally performed by managers); *Pakistan Internat’l Airlines, Inc.*, 8 NMB 531, 540 (1981) (record did not show that employees functioned on such a close capacity to an official having critical labor relations or personnel authority that their exclusion is warranted).

TCU is correct in its contention that the Board has never excluded an entire group of employees through application of the alter ego doctrine. Further, there was no evidence produced to support the exclusion of these employees as alter egos of management officials. The job descriptions presented do not show that any of the IT employees work duties are “so substantially intertwined with the significant managerial responsibilities” of their managers to find them management officials.

III. 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 Serv.*, 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 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 Carrier argues that the IT employees do not share a community of interest with the Clerical, Office, Station and Storehouse Employees at Metro-North. According to the Carrier, the employees currently in the craft or class,

Custodians, Inventory Control Clerks, Secretaries, Clerks, Ticket Sellers, Agents, and Cashiers, are unskilled hourly positions that do not require any level of advanced education or training. Metro-North believes its IT employees' responsibilities and duties are materially different than those of the represented employees, in terms of authority, independence, training and education required, and salary.

Metro-North relies on the Board's exclusion of Computer Support Analysts from the Mechanics and Related Employees craft at United as support for its contention that its IT employees do not share a community of interest with other hourly low-skill employees. *United Air Lines, Inc.*, 32 NMB 75 (2004). The fact that the Board declined to place Computer Support Analysts in the Mechanics and Related Employees craft or class is not relevant to this inquiry. On the contrary, in *United Air Lines, Inc., above*, the Board relies on two of its previous decisions where Network Coordinators and Computer Equipment Operators were found properly in the Office Clerical craft or class, and declined to place them in the Mechanics and Related Employees craft or class because they were "not engaged in the maintenance function." *United Air Lines, above*, at 95; *See also Republic Airlines, Inc.*, 11 NMB 57, 61 (1983); *American Airlines, Inc.*, 10 NMB 26, 43 (1982).

The Board has examined the scope of the craft or class of Clerical, Office, Station and Storehouse Employees in numerous decisions and has found it to consist of "employees of varying skills and abilities ranging from the highest type of technical clerical workers down the scale to janitors and laborers." *Illinois & Midland RR Co.*, 25 NMB 57, 66 (1997) (*citing National Airlines, et. al.*, 1 NMB 423, 438-39 (1947)). Therefore, the fact that Metro-North's IT employees are required to have greater training and are paid higher wages than other Clerical Employees is not dispositive.

Further, the Board has regularly found IT employees to be appropriately in the Clerical, Office, Station, and Storehouse Employees craft or class. In *American Airlines, Inc., above*, the Board found that Data Processing employees shared a community of interest with the Office Clerical craft or class. The Board stated:

[I]t is activities such as storage of information that, in fact, render these employees Office Clerical employees. For example, functions which were previously performed manually by clerical personnel prior to the widespread utilization of computer equipment are still handled by clerical personnel. The manner in which functions such as receiving, storing and using data are

performed has become more sophisticated, but the essential clerical nature of the jobs has remained the same.

Id. at 42. See *Long Island Rail Road*, 24 NMB 664 (1997) (11 IT positions, including Database Administrator, Senior Database Technician, Senior Database Design Specialist etc. shared a sufficient community of interest to be accreted into the Clerical, Office, Station and Storehouse Employees craft or class); *Republic Airlines, Inc., above* (Network Coordinators who monitored communications system, diagnosed problems, and documented actions were found to be Office Clerical employees).

Based upon the evidence presented, the Board finds the IT positions at issue share a work-related community of interest with the Clerical, Office, Station and Storehouse Employees craft or class.

CONCLUSION

The Board finds that Metro-North's IT Department employees are part of the craft or class of Clerical, Office, Station and Storehouse Employees.

By direction of the NATIONAL MEDIATION BOARD



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