



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the Application of the	40 NMB No. 26
TRANSPORT WORKERS UNION OF AMERICA	CASE NO. R-7353 (File No. CR-7043)
alleging a representation dispute pursuant to Section 2, Ninth, of the Railway Labor Act, as amended	FINDINGS UPON INVESTIGATION
involving employees of	January 15, 2013
UNITED AIR LINES AND CONTINENTAL AIRLINES	

This determination addresses the application filed by the Transport Workers Union of America (TWU). The TWU requests the National Mediation Board (NMB or Board) to investigate whether United Air Lines (United or UAL), Continental Airlines (Continental), and Continental Micronesia (CMI) (collectively the Carriers) are operating as a single transportation system for the craft or class of Flight Simulator Technicians.

The investigation establishes that United, Continental, and CMI constitute a single transportation system and the appropriate craft or class for the employees at issue is Flight Simulator Technicians.

PROCEDURAL BACKGROUND

On October 1, 2010, United notified the Board that it “implemented an Agreement and Plan of Merger dated May 2, 2010, resulting in the merger of United Air Lines, Inc. and Continental.” On May 31, 2012, TWU filed an application alleging a representation dispute involving the craft or class of Flight Simulator Technicians. TWU represents these employees at pre-merger

Continental Airlines pursuant to certification in NMB Case No. R-6794. Flight Simulator Technicians at United are included within the craft or class of Mechanics and Related Employees and are represented by the International Brotherhood of Teamsters (IBT) pursuant to certification under NMB Case No. R-7141. The functions of Flight Simulator Technicians at CMI were performed by Continental employees even prior to the merger of CMI and Continental.

The Board assigned TWU's application NMB File No. CR-7043. The Board assigned Angela I. Heverling to investigate and requested that the Carriers provide information regarding their operations. The Carriers submitted a position statement on July 6, 2012. TWU and IBT responded on July 18, 2012.

ISSUE

Are United, Continental, and CMI operating as a single transportation system? If so, what are the representation consequences?

CONTENTIONS

United and Continental

The Carriers state that United, Continental, and CMI comprise a single transportation system for the craft or class of Flight Simulator Technicians. According to the Carriers, the Board should find a single transportation system for the reasons that it did so in other crafts and classes at the Carrier. See, *United Air Lines/Continental Airlines*, 38 NMB 124 (2011) (Flight Attendants); *United Air Lines/Continental Airlines*, 38 NMB 161 (2011)(Stock Clerks); *United Air Lines/Continental Airlines*, 38 NMB 185 (2011)(Fleet Service).

The Carriers also contend that the appropriate craft or class for the employees at issue is Flight Simulator Technicians despite the fact that some of these employees are covered by the Mechanics and Related collective bargaining agreement (CBA) between IBT and pre-merger United. The Carriers argue that the NMB has in recent years recognized a separate Flight Simulator Technician craft or class across the airline industry and that these employees have little or no community of interest with the Mechanics and Related Employees at the merged carrier. In addition, the Carriers contend that Project Engineers should be excluded from the Flight Simulator Technician craft or class.

TWU

TWU agrees with the Carriers that United and Continental are a single transportation system. TWU also agrees with the Carriers that the appropriate craft or class for the employees at issue is Flight Simulator Technicians. TWU contends that the Project Engineers are properly in the Flight Simulator Technicians craft or class.

IBT

IBT agrees with the Carriers and TWU that the Board should find that United and Continental are a single carrier. Regarding the craft or class issue, IBT contends that the employees should be part of the Mechanics and Related Employees craft or class at the merged carrier. IBT contends that this will further the Board's policies of avoiding fragmentation of traditional crafts or classes and preserving existing collective bargaining relationships.

FINDINGS OF LAW

Determination of the issues in this case is governed by the Railway Labor Act, as amended, 45 U.S.C. § 151, *et seq.* Accordingly, the Board finds as follows:

I.

United, Continental, and CMI are common carriers as defined in 45 U.S.C. § 181, First.

II.

TWU and IBT are labor organizations and/or representatives as defined in 45 USC § 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 to designate who may participate as eligible voters in the event an election is required. In determining the choice of the majority of employees, the Board is “authorized to take a secret ballot of the employees involved or to utilize any other appropriate method of ascertaining the names of their duly designated and authorized representatives . . . by the employees without interference, influence, or coercion exercised by the carrier.”

STATEMENT OF FACTSBackground

Prior to the merger, United was a wholly-owned subsidiary of UAL Corporation, headquartered in Chicago, Illinois, and operating approximately 3,400 flights a day on United and United Express. Continental was a publically-held company headquartered in Houston, Texas, operating 2,200 daily departures, including regional flights operated on Continental’s behalf. CMI is a subsidiary of Continental that operates from a hub in the U.S. territory of Guam. CMI was managed entirely by Continental; it utilized Continental’s name, livery, and logo; and its flights were marketed through the Continental reservations office and website.

On October 1, 2010, United notified the Board that on that date it “implemented an Agreement and Plan of Merger dated May 2, 2010, resulting in the merger of United Air Lines, Inc. and Continental.” After October 1, 2010, the Carriers informed their customers of the merger. The message was communicated through emails from new Chief Executive Officer Jeffrey A. Smisek to members of both frequent flyer programs. It was also communicated to customers through advertisements in national media outlets, information posted on the Carriers’ websites, a video by Smisek shown as part of pre-flight announcements on both Carriers, articles in the Carriers’ inflight magazines, and other media outlets.

At pre-merger United, the employees at issue are part of the Mechanics and Related Employees craft or class and are represented by IBT. *United Airlines*, 35 NMB 125 (2008). There are approximately 57 employees in the relevant job classifications at pre-merger United. At pre-merger Continental, the Flight Simulator Engineers craft or class is represented by TWU. *Continental Airlines, Inc./Continental Express*, 28 NMB 307 (2001). There are approximately 41 employees in the craft or class. At pre-merger Continental,

the Mechanics and Related Employees are represented by IBT. *Continental Airlines, Inc.*, 24 NMB 516 (1997).

Common Corporate Ownership

On May 2, 2010, UAL and Continental entered into an Agreement and Plan of Merger (Merger Agreement). Under the Merger Agreement, UAL would acquire all of the outstanding stock of Continental. The Merger Agreement became effective on October 1, 2010. UAL has been renamed United Continental Holdings, Inc. (UCH), and United and Continental are currently wholly-owned subsidiaries of UCH. UCH has a single board of directors, elected by former UAL and Continental shareholders. Glenn Tilton, former Chief Executive Officer at UAL and United, now serves as non-executive chairman of the UCH Board of Directors. Jeffrey A. Smisek, former Chief Executive Officer of Continental, now serves as President and Chief Executive Officer of UCH, United, and Continental.

Management and Labor Relations

According to the declaration of P. Douglas McKeen, Senior Vice President-Labor Relations for United and Continental, on October 1, 2010, the Boards of UCH, United, and Continental approved the appointment of approximately 60 officers for the combined companies. The executive offices of the Carriers have been combined and all senior executives are relocated in Chicago. All of the managing director and director positions for the combined company have been filled.

United and Continental have appointed a single group of officers responsible for labor relations. Michael Bonds, formerly the chief labor and human resources officer for Continental, is now Executive Vice President-Human Resources and Labor Relations for both Carriers. McKeen was formerly Senior Vice President-Labor Relations at United and is now responsible for labor relations at both Carriers. Jeffrey Wall is now Vice President-Labor Relations for both Carriers.

Labor Protection Provisions and Interim Agreements

According to McKeen, all of the affected employees are covered by labor protective provisions. They are entitled, under the McCaskill-Bond Amendment, to the benefits of Sections 3 and 13 of the Allegheny-Mohawk Labor Protective Provisions formerly issued by the Civil Aeronautics Board. Most of the existing CBAs include a contractual obligation to the same effect.

Personnel Policies and Employee Benefits

The personnel functions of United and Continental have been combined under the leadership of Michael Bonds. R. Douglas Rose, who was formerly Vice President-Total Rewards at United, is now Vice President-Human Resources for the combined Carrier. He has responsibility for strategic planning of human resources, compensation, and benefits for all 87,000 employees. Donna Towle, who was formerly Director of Human Resources for Continental, is Vice President-Employee Relations and manages a large team of employee relations representatives for the Carriers.

On October 1, 2010, the combined Carriers issued uniform personnel policies in a number of areas. These included the "Working Together Guidelines," the primary personnel policy governing all employees. The guidelines include a policy known as the "Working Together Expectations," which is a set of employee personnel guidelines that replaced the previous guidelines at United and Continental. On October 1, 2010, the combined Carriers also issued a common Equal Employment Opportunity policy, a common dress code for non-uniformed employees, and travel policies that provided reciprocal benefits for employees of both Carriers. According to McKeen, the combined Carriers have adopted a new compensation structure for management employees, replacing the compensation structures at United and Continental.

According to McKeen, since October 1, 2010, the combined Carriers issued additional personnel policies, including a common perfect attendance reward policy, a common on-time bonus program, a common profit sharing program, a common solicitation policy, a common smoke-free workplace policy, common holiday schedules for management and unrepresented employees, a common policy on office closings under adverse conditions, and a common vacation policy for management and unrepresented employees, a common policy on seniority and service credit, and a common performance management statement. The combined Carriers will continue to harmonize remaining personnel policies and procedures through 2012. The Carriers also announced a common benefits package for all non-union employees of the company that was implemented on January 1, 2012.

According to McKeen, the Carriers implemented "Flying Together," a common homepage for the existing intranet systems used by United and Continental for communication with and among employees. "United Daily" is a daily newspaper that serves all employees of the combined company; "United World" is a monthly newspaper-style communication distributed to the

combined employee group; and “United Connections” is a quarterly magazine-style publication.

FAA Operating Certificate

McKeen states that in October of 2010, the Carriers obtained approval from the Federal Aviation Administration (FAA) for a transition plan for moving to a single operating certificate. The FAA issued the single operating certificate in November of 2011. The FAA has already granted Continental’s request for a single operating certificate to combine it and CMI.

Routes and Schedules

For two years prior to the merger, United and Continental had maintained a code-sharing and alliance agreement under which a large number of flights were already operated under both airlines’ codes. According to McKeen, United and Continental had highly complementary route structures. The Carriers have integrated routes and schedules by redeploying certain aircraft and crews from pre-existing United routes to pre-existing Continental routes, and vice versa, to meet the needs of markets and seasonal traffic fluctuations.

Frequent Flyer Programs, Clubs, and Credit Cards

In October of 2010, the Carriers integrated frequent flyer and airport club benefits so that members of both Carriers’ programs receive benefits and club access while flying on either Carrier. The Carriers have since completely merged the United MileagePlus and Continental OnePass programs into a single frequent flyer program. The Carriers’ airport lounges, the Red Carpet Club and the Presidents’ Club, have been consolidated into UnitedClub.

Customer Service Policies and Fees

As of August 12, 2011, the Carriers had relocated operations to the same terminal at 48 airports worldwide, including all hubs. According to McKeen, the schedule for combining ticket counters and gates at other airports at which both Carriers operate is being developed based on lease agreements and approval requirements from local airport authorities. The Carriers have consolidated or are in the process of consolidating other airport real estate, such as offices, break rooms, and storage rooms, and have already consolidated facilities in Cleveland, Salt Lake City, Las Vegas, Omaha, Myrtle Beach, Raleigh/Durham, Indianapolis, and Tampa.

Corporate Name, Livery, and Logos

In the Merger Agreement, the Carriers agreed that the combined Carrier would be known as United, but that it would adopt livery and a marketing identity consisting of the United name and the Continental colors and logo. Aircraft are being repainted with the new livery as they are taken out of service for regularly-scheduled maintenance. Approximately 600 aircraft have already been repainted in the new livery. Additional aircraft with the new livery are entering service on a regular basis. Aircraft operated by the Carrier's regional partners will be repainted in the new livery with the name United Express with repainting of those aircraft on a schedule similar to the mainline aircraft.

Beginning at Chicago O'Hare, the Carriers completely transformed airport check-in and boarding areas with new signage reflecting United's branding. This rebranding is now completed.

The Carriers undertook an advertising campaign under the United name and connect with followers via a unified Twitter handle and Facebook page.

Reservations

Since March 3, 2012, the Carriers have used a combined passenger service and reservations system and all flights are marketed under the same "UA" code.

Common Uniforms and Insignia

The Carriers have begun to adopt designs and select manufacturers for common uniforms for all uniformed employees. The Carriers planned to implement common uniforms for all of these employees in late 2012. Until that time, the Carriers are issuing common accessories, such as branding pins, to give the appearance of common uniforms.

Flight Simulator Technicians

As noted above, the Flight Simulator Technicians at pre-merger United are part of the Mechanics and Related Employees craft or class represented by IBT.¹ These employees are subject to a CBA that was ratified on December 29,

¹ *In United Air Lines, Inc.*, 28 NMB 291 (2001), the Board determined that Draftsmen were part of the Mechanics and Related craft or class at United because of their community of interest with employees who perform flight simulation work in that craft or class. These

2011. Employees performing these functions at pre-merger Continental are part of the craft or class of Flight Simulator Engineers and are represented by TWU. They are subject to a CBA that becomes amendable on December 31, 2012. The Mechanics and Related Employees at pre-merger Continental are represented by the IBT.

According to a declaration by Patrick Cleary, Director-Simulator Maintenance and Engineering for the Carriers (and former Director-Flight Simulation for Continental), employees in the Flight Simulator Engineer craft or class at pre-merger Continental hold the job classifications of Flight Simulator Engineer and Lead Engineer. They are responsible for performing corrective and preventative maintenance on the flight simulation training devices that are used to train pilots. These employees work in Houston, Texas at the Continental training facility. The craft or class also includes Training Device Engineers who perform corrective and preventative maintenance work on ancillary equipment and devices that are used with emergency procedures training. These employees travel to various Continental facilities where the emergency aircraft equipment used by training personnel is located.

The craft or class at pre-merger Continental also includes Project Engineers, who correct flight simulation software issues and install software revisions and hardware designs in support of pilot training. The Project Engineers have more advanced software skills than the other employees in the craft or class. They work in separate offices in the Houston training facility and have a separate reporting structure from the other job classifications within the Flight Engineers craft or class. Project Engineers report directly to Cleary while the other employees in the craft or class report to a maintenance manager.

At pre-merger Continental, none of the employees in the Flight Simulators Engineers craft or class are involved in aircraft maintenance. Cleary reports that Flight Simulator Technicians do not work with or attend meetings with employees in the Mechanics and Related Employees craft or class. Continental's mechanics travel to perform their work. Continental's Training Device Engineers travel within Continental's system but work with in-flight training personnel and have no interaction with aircraft mechanics.

According to a declaration by Tom Willey, Senior Manager-Maintenance and Engineering for United, the flight simulator function at pre-merger United is performed by employees with the job classifications of Flight Simulator

employees have since been found to be part of the Fleet Technical Instructors craft or class at the merged carrier. *United Airlines/Continental Airlines*, 39 NMB 491 (2012).

Technicians and Lead Flight Simulator Technician. These employees are directly responsible for performing corrective and preventative maintenance on the flight simulators that are used to train United's pilots. Some of these employees perform maintenance work on the devices used in emergency procedures training for flight attendants and pilots. Although they are in the same craft or class as the aircraft mechanics, Flight Simulator Technicians work with different maintenance procedures and test equipment. They use different processes and receive different training. The Flight Simulator Technicians must pass a test as prerequisite to obtaining that position and are paid a higher salary than other mechanics. Flight Simulator Technicians and other mechanics have different organizational and reporting structures. Aircraft mechanics in Denver report to the Director-Maintenance at Denver International Airport while other mechanics throughout the system report to the Senior Vice President of Flight Operations. Flight Simulator Technicians report to their own shift supervisors who have no involvement with aircraft maintenance. Flight Simulator Technicians are not legally required to have any licenses to perform their work (although there are requirements in the CBA).

According to Willey, the work that is performed by Project Engineers at pre-merger Continental (currently part of the Flight Simulator Engineer craft or class) is performed by employees in the positions of Engineer, Staff Engineer, and Senior Staff Engineer at United. Willey describes these employees as salaried management employees who are currently unrepresented. They work in offices in United's flight training center.

DISCUSSION

I.

The Board's Authority

45 U.S.C. § 152, Ninth, authorizes the Board to investigate disputes arising among a carrier's employees over representation and to certify the duly authorized representative of such employees. The Board has exclusive jurisdiction over representation questions under the RLA. *General Comm. of Adjustment v. M.K.T. R.R.*, 320 U.S. 323 (1943); *Switchmen's Union of N. Am. v. Nat'l Mediation Bd.*, 320 U.S. 297 (1943). In *Air Line Pilots Ass'n, Int'l v. Texas Int'l Airlines*, 656 F.2d 16, 22 (2d Cir. 1981), the court stated, "the NMB is empowered to . . . decide representation disputes arising out of corporate restructurings."

II.

Single Transportation System

The Board's Representation Manual (Manual) Section 19.4 provides that: "Any organization or individual may file an application, supported by evidence of representation or a showing of interest . . . seeking a determination whether a single system of transportation exists."

In *Trans World Airlines/Ozark Airlines*, the Board cited the following indicia of a single transportation system:

[W]hether a combined schedule is published; how the carrier advertises its services; whether reservation systems are combined; whether tickets are issued on one carrier's stock; if signs, logos and other publicly visible indicia have been changed to indicate only one carrier's existence; whether personnel with public contact were held out as employees of one carrier; and whether the process of repainting planes and other equipment, to eliminate indications of separate existence, has been progressed.

Other factors investigated by the Board seek to determine if the carriers have combined their operations from a managerial and labor relations perspective. Here, the Board investigates whether labor relations and personnel functions are handled by one carrier; whether there are a common management, common corporate officers and interlocking Boards of Directors; whether there is a combined workforce; and whether separate identities are maintained for corporate and other purposes.

14 NMB 218, 236 (1987).

The Board finds a single transportation system only when there is substantial integration of operations, financial control, and labor and personnel functions. *Delta Air Lines/Northwest Airlines*, 36 NMB 36 (2009); *Burlington N. Santa Fe Ry. Co.*, 32 NMB 163 (2005); *Huron and Eastern Ry. Co., Inc.*, 31 NMB 450 (2004); *Portland & Western R. R., Inc.*, 31 NMB 71 (2003). Further, the Board has noted that a substantial degree of overlapping ownership, senior management, and boards of directors is critical to finding a single transportation system. *Precision Valley Aviation, Inc., d/b/a Precision Airlines and Valley Flying Serv., Inc., d/b/a Northeast Express Reg'l Airlines*, 20 NMB 619 (1993).

The Carriers are wholly-owned subsidiaries of UCH. UCH has a single board of directors and a common senior management group in place. There is a single group of officers responsible for labor relations at the Carriers. Personnel policies and practices are in the process of being integrated. The Carriers have received a single operating certificate from the FAA.

The Carriers have integrated flight routes and schedules. They merged their frequent flyer programs and airport lounges. They have relocated operations to the same terminal at all hubs. Six hundred aircraft have been repainted with the new livery and logo. Since March of 2012, the Carriers have used a combined reservations system and all flights are marketed under the same "UA" code. The Carriers have begun the process of transitioning to common uniforms. The Carriers hold themselves out to the public as a single carrier in all ways, including through social media.

The Board has found a single transportation system at United for several other crafts or classes. *See e.g. United Air Lines/Continental Airlines*, 39 NMB 491 (2012) (Fleet Technical Instructors); *United Air Lines/Continental Airlines*, 39 NMB 229 (2011) (Passenger Service Employees); *United Air Lines/Continental Airlines*, 38 NMB 161 (2011) (Stock Clerks).

Based upon the application of the principles to the facts established by the investigation, the Board finds that United and Continental operate as a single transportation system for representation purposes. Although there are no relevant employees at CMI, as in previous cases finding a single transportation system at United, the evidence also establishes that CMI is part of this single transportation system.

Craft or Class Determination

The Carriers and TWU argue that the Flight Simulator Technicians at the merged carrier should be in a separate craft or class as they are at pre-merger Continental. The Carriers argue that the NMB has in recent years recognized the separate craft or class. The Carriers contend that the Flight Simulator Technicians have little or no community of interest with employees in the Mechanics and Related Employees craft or class. In addition, the Carriers argue that the Board should reevaluate the craft or class configuration as it has done in other decisions resulting from the United/Continental merger.

IBT argues that the Flight Simulator Technicians should be included in the Mechanics and Related Employees craft or class. IBT points to the Board's policy of avoiding fragmenting traditional craft or classes. In addition, the IBT

argues that the work of Flight Simulator Technicians is analogous to the work performed by Mechanics and Related Employees, with the only distinction being the equipment on which that work is performed.

At pre-merger Continental, the flight simulator function is performed by employees with the job titles of Project Engineers, Flight Simulator Engineers, Lead Engineers, and Training Device Engineers. The Flight Service Engineers and Lead Engineers work at a training facility in Houston, Texas while the Training Device Engineers travel to various facilities where emergency aircraft equipment is located and work with in-flight training personnel. The craft or class of Flight Simulator Engineers at Continental does not include any employees who are involved in aircraft maintenance. These employees also have little or no interaction with employees in the Mechanics and Related craft or class at Continental.²

At pre-merger United, the flight simulator function is performed by employees with the job titles of Flight Simulator Technician and Lead Flight Simulator Technician. Their primary work is performing maintenance on flight simulators that are used to train pilots. They are currently part of the Mechanics and Related Employees craft or class but, like the Flight Simulator Engineers at pre-merger Continental, they rarely work directly with employees who perform aircraft maintenance work. They work on different equipment, receive different training, and have a different reporting structure. Flight Simulator Technicians report to their own shift supervisors, who have no involvement with aircraft maintenance.

In recent years, the NMB has recognized Flight Simulator Technicians as a separate craft or class in the airline industry. *See, e.g. Northwest Airlines, Inc./Delta Airlines, Inc.*, 37 NMB 88 (2009). In *Delta*, where both pre-merger carriers treated the simulator technicians as a separate craft or class, that was a factor in the Board's determination of whether the employees should be included in the Mechanics and Related Employees craft or class. *Delta, above* at 111. Here, however, the merging carriers have different patterns of representation. Therefore, it is appropriate to consider this recent Board practice of recognizing a stand-alone craft or class of simulator technician employees. *See U.S. Airways/America West Airlines*, 33 NMB 297 (2006) (TWU certified as representative of Flight Simulator Engineers); *Southwest Airlines, Co.*, 31 NMB 301 (2004). A rationale for this trend was explained in the *Delta* decision:

² The Project Engineers will be discussed further below.

As flight simulators have become increasingly sophisticated, the skill set of Simulator Technicians has changed and diverged from that of Mechanics and Related Employees. Simulator Technicians work with Pilots on a daily basis and have little or no interaction with . . . Mechanics and Related Employees. . . . In addition, Simulator Technicians work in different physical locations and report to different supervisors than the Mechanics and Related Employees.

Delta, above, at 111.

The employees at both pre-merger United and pre-merger Continental who perform flight simulator work have little or no contact with aircraft maintenance employees. They work on different equipment, receive different training, work at different locations, and have different reporting structures. They perform maintenance used in the training of in-flight employees, including pilots. For these reasons, the Flight Simulator Technician and Lead Flight Simulator Technician at pre-merger United and all of the employees currently in the Flight Simulator Engineers craft or class at pre-merger Continental will be part of the Flight Simulator Technicians craft or class at the combined carrier.

Former Continental Project Engineers

The Carriers contend that Project Engineers should be excluded from the Flight Simulator Technician craft or class because they are management employees. TWU argues that the Carriers have not provided sufficient evidence that these employees perform work that the Board considers to be the function of management personnel.

Manual Section 9.211 states that management officials are ineligible to vote and defines management officials as 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 over time; (4) the authority to transfer and/or establish assignments; (5) the authority to create carrier policy; and (6) the authority to commit carrier funds.”

According to the Carriers, the Project Engineers at pre-merger Continental correct flight simulation software issues and install software revisions. They have more advanced software skills than the other employees discussed above who perform flight simulator functions and work in separate offices at the training facility in Houston where the other employees work. In

addition, the Project Engineers report directly to Patrick Cleary, Director – Simulator Maintenance and Engineering.

The Carriers did not provide evidence that the Project Engineers have the authority that the Board requires to consider employees management officials. The Carriers provided no evidence that these employees discipline, dismiss, grant overtime to, or otherwise supervise employees. There is no evidence that the Project Engineers create carrier policy or commit funds. The more advanced skill set of these employees is something that has been recognized among employees within the Flight Simulator craft or class at other carriers. *See, Delta, above* at 111 (noting that the work of flight simulators has become increasingly sophisticated). This is not a factor that the Board has relied on to determine whether employees are management officials. The Board finds that Project Engineers are not management personnel and are appropriately part of the Flight Simulator Technicians craft or class.

CONCLUSION

The Board finds that United and Continental (including CMI) are operating as a single transportation system for representation purposes under the RLA. Accordingly, TWU's application in File No. CR-7043 is converted to NMB Case No. R-7353. Pursuant to Manual Section 19.6, the investigation will proceed to address the representation of this craft or class. Any Intervenor has 14 days from the date of this determination to file an application supported by the requisite showing of interest. The participants are reminded that under Manual Section 19.7, existing certifications remain in effect until the Board issues a new certification or dismissal.

By direction of the NATIONAL MEDIATION BOARD.



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