



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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In the Matter of the  
Application of the  
  
INTERNATIONAL ASSOCIATION  
OF MACHINISTS AND  
AEROSPACE WORKERS  
  
alleging a representation dispute  
pursuant to Section 2, Ninth, of  
the Railway Labor Act, as  
amended  
  
involving employees of  
  
ENDEAVOR AIR, INC.

41 NMB No. 55

CASE NO. R-7383

FINDINGS UPON  
INVESTIGATION –  
DISMISSAL

September 12, 2014

This determination addresses the application of the International Association of Machinists and Aerospace Workers (IAM or Organization) alleging a representation dispute pursuant to the Railway Labor Act<sup>1</sup> (RLA or Act), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among the Maintenance Controllers, employees of Endeavor Air, Inc. (Endeavor or the Carrier).

For the reasons set forth below, the National Mediation Board (NMB or Board) finds that Maintenance Controllers is not a distinct craft or class at Endeavor and, therefore, dismisses the application.

PROCEDURAL BACKGROUND

On May 6, 2014, the IAM filed an application alleging a representation dispute among the Carrier's Maintenance Controllers. The Board assigned

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<sup>1</sup> 45 U.S.C. § 151, *et seq.*

Norman L. Graber to investigate. On May 19, 2014, Endeavor filed a position statement asserting that Maintenance Controllers is not a separate craft or class, but is properly included in the Mechanics and Related Employees craft or class. On May 19, 2014, the Carrier, without waiving its craft or class argument, also filed a List of Potential Eligible Voters (List) identifying the Carrier's 21 Maintenance Controllers. On June 3, 2014, IAM filed a response to the Carrier's position statement. On June 10, 2014, Endeavor filed a reply to IAM's response. Pursuant to the Investigator's request, the Carrier filed additional information on September 5, 2014.

### ISSUE

Are the Maintenance Controllers employed by Endeavor a separate craft or class, or are they part of the Mechanics and Related Employees craft or class?

### CONTENTIONS

#### IAM

Initially, IAM contends that because the Carrier submitted a List of Maintenance Controllers, the Board must determine if the Organization has submitted an adequate showing of interest based on that List, and then proceed to an election if it has done so.

IAM further contends that the Maintenance Controllers are a separate craft or class, rather than a part of the Mechanics and Related Employees craft or class. In support of its contention, IAM submitted a declaration from a Carrier Maintenance Controller setting forth numerous differences in working terms and conditions between Maintenance Controllers and Mechanics. IAM argues that the particular job differences between these two groups of employees at Endeavor distinguishes this case from a body of case law in which the Board has found Maintenance Controllers to be part of the Mechanics and Related Employees craft or class. IAM also cites several Board decisions certifying a separate Maintenance Controller craft or class.

#### Endeavor

The Carrier contends that it merely supplied the specific List requested by the Board, without waiving its argument that IAM filed an application for a craft or class that does not exist separately.

Endeavor asserts that Maintenance Controllers are properly placed in the Mechanics and Related Employees craft or class. It contends that the work-related community of interest among its Maintenance Controllers and other

Mechanics and Related Employees is comparable to the Board decisions finding Maintenance Controllers to be part of the larger craft or class. The Carrier notes that while IAM distinguishes between Maintenance Controllers and Mechanics, it does not address the other groups of “related” employees.

### FINDINGS OF LAW

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

#### I.

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

#### II.

IAM is a labor organization and/or representative as defined in 45 U.S.C. § 151, Sixth, and § 152, Ninth.

#### III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions, “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the 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.

### STATEMENT OF FACTS

#### I. Maintenance Controller Job Description

The Carrier provided a job description for Maintenance Controllers, which provides that the Maintenance Controller coordinates the repair of aircraft and communicates the schedule to System Operation Control. The position description lists the following essential job functions:

- Responsible for timely, economical repair of aircraft using approved resources.

- Ensures proper use of the MEL (Minimum Equipment List) by authorizing MEL items and monitoring these items for timely closure.
- Coordinates with System Operation Control the flow of aircraft scheduled to maintenance bases, and modifies the daily maintenance schedule in response to unscheduled maintenance events.
- Ensures notification of management personnel in the event of an accident, incident, or irregular operation as required by current Company manuals and Company policy.
- Other duties as assigned.

The qualifications for the Maintenance Controller position are a high school diploma or a GED equivalent and a Federal Aviation Administration (FAA) Airframe and Power Plant (A&P) Mechanic license with appropriately documented background of maintenance experience and/or training on aircraft types operated by Endeavor.

## II. Duties and Responsibilities of Maintenance Controllers

Endeavor's General Maintenance Manual provides that the Maintenance Controller is the primary point of communication between Endeavor flight crews and maintenance personnel regarding the nature and course of action for all maintenance discrepancies that affect the integrity of the flight schedule. The Maintenance Controller is also the sole authorized contact for contacting, directing, and coordinating maintenance to Endeavor aircraft with any mechanical difficulty at or en route to an outstation.

The Maintenance Controller determines the priority of action and supports the priorities in relation to all Base Maintenance, Line Stations, and Contract Agencies regarding maintenance requirements, and ensures that the requirements are met timely for the dispatch of airworthy aircraft. The Maintenance Controller also determines the proper priority of all maintenance functions to be performed to ensure the greatest fleet utilization without compromising safety.

Bill Donohue is the Carrier's Vice President of Maintenance and Technical Operations. John Huntoon, the Director of Maintenance and Fleet Planning, reports directly to Donohue. The Maintenance Controllers and all of the Lead Mechanics, Mechanics, Maintenance Planners, Maintenance Coordinators, Avionics Technicians, Maintenance Operations Technical Representatives, and Heavy Check Production Representatives report up through John Huntoon.

Maintenance Controllers and all other maintenance personnel receive several of the same training modules. Other Endeavor maintenance personnel with an A&P license are eligible for internal transfers into the Maintenance

Controller position. Likewise, Maintenance Controllers are eligible for transfer into other open positions within the Maintenance and Technical Services Department.

Except for the accrual of vacation, Maintenance Controllers share the same benefits as all other Endeavor non-management maintenance personnel, including but not limited to, health/welfare, 401k, disability, life insurance, commuter benefits, sick leave, and travel privileges. Maintenance Controllers work 4-day/12-hour shifts. Other non-management maintenance personnel work a variety of shifts including a 4-day/12-hour shift.

### III. Size of the Mechanics and Related Employees Craft or Class

The Carrier provided evidence that, as of the eligibility cut-off date, the Mechanics and Related Employees craft or class contained 618 employees, including the 21 Maintenance Controllers. The Carrier also specified that at least 74% of these employees are employed as Mechanics and Lead Mechanics. The number does not include management officials, stock clerks, or administrative employees that Endeavor does not believe are part of the Mechanics and Related Employees craft or class.

## DISCUSSION

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); *USAir*, 15 NMB 369 (1988).

The Board has examined the scope of the craft or class of Mechanics and Related Employees in numerous decisions. *AirTran Airways, above; United Parcel Serv. Co., above; US Airways, Inc., above; United Parcel Serv. Co., 27 NMB 3 (1999)*. “The related employees . . . while of different skill levels from the mechanics, nonetheless are closely related to them in that they are engaged in a common function – the maintenance function . . . .” *Eastern Air Lines, Inc., 4 NMB 54, 63 (1965)*. This “functional” connection between mechanic classifications and those employees who perform related maintenance operation has historically formed the basis for their identity as a single craft or class. *Id.*; see also *Federal Express Corp., 20 NMB 360 (1993)*.

Specifically, the Board has frequently found that Maintenance Controllers are part of the Mechanic and Related Employees craft or class. See, e.g., *Frontier Airlines, Inc., 41 NMB 202 (2014)*; *NetJets Services, Inc., 39 NMB 299 (2012)*; *Southwest Airlines, 38 NMB 87 (2011)*; *Hawaiian Airlines, Inc., 29 NMB 308 (2002)*; and *AirTran Airways, Inc., 28 NMB 603 (2001)*.

Although IAM cites three cases in which the Board found that Maintenance Controllers were in a craft or class other than Mechanics and Related Employees, those cases do not support its contention regarding the placement of Maintenance Controllers in this case. In *Braniff International, 5 NMB 205 (1974)*, and *Northwest Airlines, NMB Case No R-3383 (1959)*, the Board merely certified an election rather than deciding a craft or class issue. In *Trans World Airlines, Inc., 3 NMB 94 (1961)*, the Board found that Maintenance Coordinators were management officials. IAM acknowledges that it does not believe Maintenance Controllers have sufficient indicia of managerial authority to be considered management officials.

Regarding the specifics of this case, IAM argues that Maintenance Controllers have a different supervisory structure from Mechanics, and do not participate in daily briefings or meetings with Mechanics. IAM further alleges that Maintenance Controllers often never even meet Mechanics; do not share breaks and do not bid for vacation together with Mechanics; must take specialized training not required of Mechanics; work in an office environment with computers and phones, while Mechanics work in the hangar or on the line using tools; spend much of their time speaking to pilots and flight crews; dress in business casual attire, while Mechanics wear specified uniforms; are paid a salary, while Mechanics are paid an hourly rate; do not receive time and one half pay for overtime hours, while Mechanics do; work four days in 12 hour shifts, while Mechanics work five days a week for eight hour shifts or work rotating 10 hour shifts; and have only two lines of reporting before they reach Director of Maintenance and Fleet Planning Huntoon, while Mechanics have at least four lines of reporting. IAM contends that these differences require a finding that Maintenance Controllers do not share a sufficient work-related

community of interest with the Mechanic and Related Employees to be included in the same craft or class.

As noted by the Carrier, there is no dispute that the Maintenance Controllers and Mechanics are both involved in the common maintenance function that is the basis for including “related employees” in the Mechanics and Related Employees craft or class. Further, the Carrier presented evidence that “related employees” other than Maintenance Controllers do not wear Mechanics uniforms, do not participate in daily briefings or meetings with Mechanics, do not share breaks and do not bid for vacation with Mechanics, work in an office environment with computers and telephones, are salaried, and work shifts different from Mechanics. The Carrier also presented evidence that Maintenance Controllers have three lines of reporting before they reach Huntoon’s level, and some of the Mechanics and Leads also have three lines of reporting before they reach Huntoon. Additionally, Endeavor presented evidence that, although Maintenance Controllers do not often meet Mechanics, they communicate frequently on a daily basis by telephone and email. Like Mechanics, Maintenance Controllers must have an A&P license and most have worked as a Mechanic. Although Maintenance Controllers spend a significant amount of time on the phone with pilots and flight crew, so do Mechanics; and Maintenance Controllers also spend a significant amount of time on the phone with Mechanics.

Based upon the case law and the evidence cited above, it is clear that Maintenance Controllers perform maintenance-related work and share a work-related community of interest with the Mechanics and Related Employees craft or class. Accordingly, the Board finds that the Maintenance Controllers are part of the Mechanics and Related Employees craft or class at Endeavor.

CONCLUSION

The Board finds that Endeavor's Maintenance Controllers are part of the Mechanics and Related Employees craft or class. IAM's submission of authorization cards for Maintenance Controllers does not constitute an adequate showing of interest for the Mechanics and Related Employees craft or class of which they are a part. Accordingly, IAM's application is dismissed subject to Part 1206.4(b) of the NMB Rules.

By direction of the NATIONAL MEDIATION BOARD.



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