



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the  
Application of the

TRANSPORT WORKERS UNION  
OF AMERICA, AFL-CIO

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

42 NMB No. 22

CASE NO. R-7433

(FILE NO. CR-7136)

FINDINGS UPON  
INVESTIGATION-  
DISMISSAL

June 4, 2015

FINDINGS UPON INVESTIGATION

This determination addresses the application of the Transport Workers Union of America, AFL-CIO (TWU 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 Customer Service Coordinators at Southwest Airlines (Southwest or Carrier). The TWU asserts that the Customer Service Coordinators are part of the craft or class of Flight Dispatchers at Southwest.

For the reasons below, the National Mediation Board (NMB or Board) finds that the Customer Service Coordinators at Southwest are not part of the Flight Dispatchers craft or class. Accordingly, the Board dismisses the application.

PROCEDURAL BACKGROUND

On March 20, 2015, the TWU filed an application alleging a representation dispute among the Customer Service Coordinators at Southwest. The TWU asks the Board to accrete the employees in the Customer

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

Service Coordinators position to the Flight Dispatchers craft or class at Southwest. The TWU supports its request with authorization cards. The application was given NMB File No. CR-7136 and Andres Yoder was assigned as the Investigator. The Board asked Southwest to provide it with the List of Potential Eligible Voters (List) and signature samples for the Customer Service Coordinators. On April 28, 2015, Southwest submitted the List and signature samples, along with an initial position statement.

### ISSUE

Are Southwest's Customer Service Coordinators appropriately part of the Flight Dispatchers craft or class?

### CONTENTIONS

The TWU contends the Customer Service Coordinators are appropriately part of the Flight Dispatchers craft or class because the Customer Service Coordinators assist a group of Flight Dispatchers called Superintendents of Dispatch; and because Customer Service Coordinators and Flight Dispatchers are similarly situated in Southwest's organizational structure, work in the same location, and have similar work conditions.

Southwest argues that Customer Service Coordinators are not appropriately part of the Flight Dispatchers craft or class because Customer Service Coordinators are not required to have a certification that Flight Dispatchers must hold, and because Customer Service Coordinators have different duties and responsibilities.

### 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.

Southwest is a common carrier as defined in 45 U.S.C. § 181.

#### II.

The TWU 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

The Position Description for the Customer Service Coordinators job describes the position’s general purpose as follows: “Coordinates with and advises Dispatch Superintendent and stations on the routing and accommodations of Customers as required in times of irregular flight operations and cancellations.” The Customer Service Coordinators Position Description also lists the following duties:

- (1) Coordinate with “Ground Operations stations” and Dispatch Superintendents during irregular operations;
- (2) reroute customers from canceled or delayed flights;
- (3) assist the Dispatch Superintendents with decisions regarding which flights will be canceled or possibly delayed;
- (4) assist stations in complying with the Air Carrier Access Act by helping to determine how customers with disabilities will be accommodated;
- (5) coordinate with medical personnel regarding customers with medical needs during travel;
- and (6) suggest equipment swaps, substitutions, and/or cancellations in an effort to maintain on-time performance during irregular operations.

Further, the Customer Service Coordinators Position Description indicates the job does not require any licenses or certifications. Rather, it requires a high school diploma or the equivalent, and college coursework or a college degree is preferred. Additionally, the job requires at least three years of airline operational experience; three years of supervisory experience is preferred.

In her declaration, Karen Matsler – Southwest’s Senior Manager of the Network Operation Control Department – stated that Customer Service Coordinators “provide the Dispatch Superintendents with alternatives so that the Dispatch Superintendents can make the final decision regarding which flights will be [canceled] or possibly delayed[.]” Matsler also made assertions about what is not required of Customer Service Coordinators. Customer Service Coordinators “do not have any operational control and authority over initiating, conducting, or terminating flights. [Customer Service Coordinators] do not provide for the coordination of flight movements, cancellations, diversions, equipment routing, and crew assignments.” Customer Service Coordinators “are not required to possess or obtain a dispatch certificate issued from the [Federal Aviation Administration (FAA)] or National Transportation Safety Board[.]” And once Customer Service Coordinators are hired, they are “not required to obtain any certification.” They only attend one week of initial classroom training and one and a half weeks of “desk training” with an experienced Customer Service Coordinator.

The Position Description for the Flight Dispatchers job describes the general purpose of the position as follows: “Provides operational control and exercises joint responsibility with the Pilot in Command ... by coordinating, releasing, and maintaining flight watch on all [Southwest]-operated aircraft.” The Position Description also states that the job requires a dispatcher license called an “FAA Aircraft Dispatcher Certificate,” and requires a high school diploma or the equivalent. College coursework or a college degree is preferred. Finally, Flight Dispatchers must have at least five years “airline or related experience inside [Southwest] or equivalent[.]” and experience with a “121 carrier under the Code of Federal Regulations” is preferred.

The June 15, 2012 “Agreement between Southwest Airlines Co. and the Dispatchers in the service of Southwest Airlines Co. as represented by Transport Workers Union of America Local 550” (CBA) defines the Flight Dispatcher position. According to the CBA, a Flight Dispatcher is an employee who holds a currently effective Aircraft Dispatcher Certificate of Competency issued by the FAA. Additionally, a Flight Dispatcher is “regularly assigned to be in charge of, and while on duty directly responsible for the conduct of flight operations and the dispatch, clearance, and movement of all [Southwest] aircraft over the routes under his supervision.”

Matsler stated in her declaration that Flight Dispatchers are responsible for “the operational control and authority over initiating, conducting or terminating flights.” She also asserted that all Flight Dispatchers are required to have dispatcher licenses.

In his declaration, Gene Kim – Southwest’s Director of Flight Dispatch of the Network Operation Control Department – describes the Flight Dispatchers as “provid[ing] for coordination of flight movements, cancellations, diversions, equipment routing, and crew assignments.” Further, according to Kim, “Only the Captain or the [Flight] Dispatcher can decide that a flight cannot be operated safely,” and “no person may start a flight unless a [Flight Dispatcher] releases that flight.” Other duties of the job include:

[m]onitoring the progress of each flight; [p]roviding the Captain all available current reports or information on airport conditions and irregularities of navigation facilities that may affect the safety of a flight; [providing] the Captain any additional available information of meteorological conditions including adverse weather phenomena; ... [and canceling] or re-[dispatching] a flight if, in his opinion [or that] of the Captain, the flight cannot operate or continue to operate safely as planned or released.

Kim also asserted that Southwest’s Flight Dispatchers must maintain dispatcher licenses, and that the “requirements to gain a Dispatcher license include age, character, aeronautical knowledge, experience, and skill.” Moreover, Kim stated that “all Dispatchers must take an approved aircraft dispatcher certification course and have a minimum of 200 hours of instruction.”

An organizational chart shows both Customer Service Coordinators and Flight Dispatchers are part of Southwest’s Operations Coordination Center (OCC). Although they have different mid-level supervisors, both Customer Service Coordinators and Flight Dispatchers are ultimately responsible to Matt Hafner, Vice President of OCC. In addition, a workplace map shows Customer Service Coordinators and Flight Dispatchers share a job location.

### DISCUSSION

In determining the proper craft or class for a group of employees, the Board considers a number of factors, including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *Southwest Airlines*, 42 NMB 110 (2015); *Louisville & Indiana R.R.*, 41 NMB 21 (2014). The factor of work-related community of interest is particularly important. *Endeavor Air, Inc.*, 41 NMB 281 (2014); *US Airways, Inc.*, 31 NMB 324 (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. *United Parcel Service Co.*, 33 NMB 307 (2006); *American Airlines, Inc.*, 10 NMB

26 (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).

In this case, Customer Service Coordinators’ and Flight Dispatchers’ job functions overlap in that Customer Service Coordinators coordinate with and advise Superintendents of Dispatch. However, while the Customer Service Coordinators’ primary task is to assist in the routing and accommodations of customers during times of irregular flight operations and cancellations, the Flight Dispatchers possess FAA certificates and are responsible for operational control and authority over initiating, conducting, and terminating flights.

The Board has long recognized that Flight Dispatchers are a separate craft or class based on licensing regulations. For example, in *United Airlines*, 3 NMB 35, 37 (1957) the Board noted that “[Flight] Dispatchers are generally recognized as at least a semi-professional class or craft and one required ... to hold currently effective dispatcher certificates. Their qualifications, requirements, necessary knowledge, aeronautical skill and experience, maximum hours of duty, and provisions for relief from duty are prescribed [by law].” The Board reiterated that in *Trans World Airlines, Inc.*, 7 NMB 465, 473 (1980) when it stated, “[Flight Dispatchers] must obtain Federal licenses, and this fact in itself compels the conclusion that dispatchers are a discrete craft or class by themselves.” Finally, in *America West Airlines*, 22 NMB 260, 263-64 (1995), the Board found no basis for excluding unlicensed Assistant Dispatchers from the craft or class of Dispatchers and Assistant Dispatchers because they were hired “with the intent that they will apprentice as Assistant Dispatchers, obtain a dispatcher license and become Dispatchers.”

In this case, the Customer Service Coordinators do not have dispatcher licenses and are not required to obtain them. As a result, the Customer Service Coordinators do not share a work-related community of interest with Flight Dispatchers, and are not properly included in the Flight Dispatchers craft or class.

Accordingly, based on the relevant factors and the evidence in this case, Southwest’s Customer Service Coordinators are not part of the craft or class of Flight Dispatchers.<sup>2</sup>

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<sup>2</sup> In 1983, the Board certified the Southwest Airlines Employees Association as the representative of Southwest’s Flight Dispatchers craft or class. See *Southwest Airlines Co.*, 10 NMB 133 (1983). The Board has a longstanding policy of not accreting positions in the absence

CONCLUSION

The Board finds that Southwest's Customer Service Coordinators do not share a work-related community of interest with Flight Dispatchers, and as a result they are not part of the craft or class of Flight Dispatchers. The TWU's application is converted to NMB Case R-7433 and is hereby dismissed.

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:  
Mike Ryan  
Joe Harris  
Kevin Minchey, Sr.  
Harry Lombardo  
David Rosen, Esq.  
Gary Shults

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of a certification. *See, e.g., Union Pacific R.R.*, 9 NMB 424, 430 (1982). In view of its determination that Customer Service Coordinators are not properly part of the craft or class of Flight Dispatchers, the Board finds it unnecessary to pass on whether the TWU is the certified representative.