



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
Application of the

AIRCRAFT MECHANICS
FRATERNAL ASSOCIATION

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

involves employees of

ALASKA AIRLINES, INC.

49 NMB No. 8

CASE NO. R-7572
(File No. CR-7216)

FINDINGS UPON
INVESTIGATION-
DISMISSAL

February 16, 2022

This determination addresses the application of the Aircraft Mechanics Fraternal Association (AMFA) alleging a representation dispute pursuant to the Railway Labor Act¹ (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among Maintenance Controllers at Alaska Airlines, Inc. (Alaska). AMFA is certified as the representative of the Mechanics and Related Employees craft or class at Alaska. *See Alaska Airlines, Inc.*, 47 NMB 47 (2019) (NMB Case No. R-7537). AMFA asserts that the Maintenance Controllers are part of the Mechanics and Related Employees craft or class, and requests that the National Mediation Board (Board or NMB) accrete the Maintenance Controllers to the Mechanics and Related Employees craft or class.

For the reasons set forth below, the Board concludes that the Maintenance Controllers are already covered by AMFA's certification. Therefore, the Board dismisses the application.

¹ 45 U.S.C. § 151, *et seq.*

PROCEDURAL BACKGROUND

On July 7, 2020, AMFA filed an application alleging a representation dispute involving Maintenance Controllers at Alaska. AMFA requests that the NMB accrete those employees to the Mechanics and Related Employees craft or class, and supports its request with authorization cards. The application was given NMB File No. CR-7216, and Andres Yoder was assigned as the Investigator.

On July 28, 2020, Alaska submitted a position statement, a List of Potential Eligible Voters, and signature samples.² AMFA then responded to Alaska's statement on July 29, 2020.

On December 18, 2020, the NMB requested additional information from Alaska, and gave AMFA the option to submit additional information as well. On January 8, 2021, both Alaska and AMFA responded by submitting additional information. On April 23, 2021, the NMB requested additional information from Alaska and AMFA. On May 7, 2021, both Alaska and AMFA responded by submitting additional information.

ISSUE

Are the applied-for Maintenance Controllers part of Alaska's Mechanics and Related Employees craft or class?

CONTENTIONS

AMFA

AMFA contends that the Maintenance Controllers are part of Alaska's Mechanics and Related Employees craft or class based on a work-related community of interest and Board precedent, and that the NMB should follow its established accretion policy.

² On August 11, 2020, Alaska notified the NMB that an additional employee should have appeared on the List. On August 19, 2020, following an August 14, 2020 NMB request, Alaska submitted a revised List and an additional signature sample.

Alaska

Alaska argues that the NMB should discontinue its established policy of accreting employees at a carrier, without first holding an election, in cases in which it concludes that those employees are part of an existing craft or class. Instead, Alaska argues that the NMB should hold an election before making an accretion determination.

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.

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

II.

AMFA is a labor organization and/or representative as provided by 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 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

On April 1, 1998, the NMB certified AMFA as the representative of Alaska’s Mechanics and Related Employees craft or class. *See Alaska Airlines, Inc.*, 25 NMB 318 (1998) (NMB Case No. R-6572). On October 24, 2019,

following a merger, the NMB determined that Alaska and Virgin America, Inc. were operating as a single transportation system for representation purposes in the Mechanics and Related Employees craft or class. *See Alaska Airlines, Inc.*, 47 NMB 25 (2019). Then on December 18, 2020, the NMB extended its 1998 certification to cover Alaska's entire post-merger Mechanics and Related Employees craft or class. *See Alaska Airlines, Inc.*, 47 NMB 47 (2019) (NMB Case No. R-7537).

Alaska and AMFA are parties to a collective bargaining agreement (CBA) that is effective by its terms for the period October 17, 2016 to October 17, 2023. The CBA covers Alaska's Mechanics and Related Employees craft or class, a grouping that includes the following four positions: Aircraft Technicians, Aircraft Lead Technicians, Avionics Technicians, and Avionics Lead Technicians (referred to collectively as Technicians). According to the CBA, the Aircraft Technicians and Aircraft Lead Technicians are required to have an Airframe and Powerplant (A&P) license issued by the Federal Aviation Administration.

Maintenance Controllers' Job Duties

According to the declaration from Alaska's Maintenance Operation Manager Ed Baldwin, the Maintenance Controllers "authorize aircraft maintenance deferrals by administering Alaska's maintenance program." The Maintenance Controllers make the decision to "defer or repair . . . by assessing [Alaska's] need for an aircraft and the capabilities of the aircraft at issue." The Maintenance Controllers are also responsible for "directing vendor maintenance operations" at locations where Alaska does not have its own maintenance station. Additionally, in cases where necessary maintenance can only be performed at another location, the Maintenance Controllers authorize special permit flights, which are flights without passengers, or coordinate field trips, "which involve[] transporting a group of technicians to perform necessary repairs." Finally, Baldwin stated that Maintenance Controllers operate with discretion and authority in certain ways, such as when they direct vendors' work, and when they authorize deferrals, special permit flights, and field trips.

According to declarations from Jarod Mills, Airline Representative for AMFA's Local 14 and an Aircraft Technician and Inspector at Alaska, the Maintenance Controllers have experience as Aircraft Technicians, Aircraft Lead Technicians, Avionics Technicians, and/or Avionics Lead Technicians, and they work with such employees to "troubleshoot[] aircraft repairs and" to agree on "any aircraft work that needs to be deferred." The Technicians, Mills added,

“frequently and routinely request technical assistance from the Maintenance Controllers during the course of each day.” Further, Mills stated that the Maintenance Controllers are required to have an A&P license.

Finally, Alaska’s General Procedures Manual lists the following duties for the Maintenance Controllers:

1. “Alert down-line and other out-stations to secure irregular maintenance that will cover unforeseen maintenance problems and ensure that proper arrangements are made for timely repairs.”
2. “Monitor aircraft maintenance operations and provide technical assistance.”
3. “Request assistance from Engineering.”
4. “Maintain continuous liaison with the [Maintenance Operations Manager], providing . . . reports of the general mechanical status of the entire fleet and coordinating maintenance requirements during irregular operations.”
5. “Coordinate Special Flight Permits.”
6. “Coordinate . . . to ensure availability of required components and parts.”
7. “Maintain aircraft status reports of all aircraft out of service during the assigned shift.”
8. “Ensure all inoperative systems are operated and maintained in accordance with [relevant requirements].”
9. “Notify appropriate management personnel in the event of an accident/incident.”
10. “Recommend . . . tools, ground support equipment, and parts needed by line stations.”
11. “Generate reports on all maintenance delays, cancellations, out-of-service aircraft.”
12. “Ensure the timely repair of all aircraft with a repetitive history.”
13. “Notify the Director of Maintenance . . . of any situation or practice . . . that could compromise safety or bring unnecessary costs.”
14. “[R]eport[] any safety hazard or potential hazard.”
15. “Include [Alaska safety standards] in . . . daily work habits.”

DISCUSSION

Craft or Class Determination

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. *E.g.*, *Wisconsin Central Ltd.*, 48 NMB 18, 28 (2020). The factor of work-related community of interest is particularly important. *E.g.*, *Southwest Airlines*, 42 NMB 139, 143 (2015). 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. *E.g.*, *Endeavor Air, Inc.*, 41 NMB 281, 285 (2014). The purpose of the community of interest test is to ensure that a particular grouping of employees “possess[es] 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.*, 27 NMB 99, 109 (1999). The Board makes craft or class determinations case by case, based upon Board policy and precedent. *E.g.*, *Long Island R.R.*, 47 NMB 19, 23 (2019).

The Mechanics and Related Employees craft or class consists of mechanics and related employees who engage in a common maintenance function. *See Eastern Air Lines, Inc.*, 4 NMB 54 (1965); *United Airlines*, 6 NMB 134 (1977). In the past, the Board has repeatedly found that Maintenance Controllers are part of the Mechanics and Related Employees craft or class. *See, e.g.*, *Endeavor Air, Inc.*, *above*, at 286; *Frontier Airlines, Inc.*, 41 NMB 202 (2014); *NetJets Servs.*, 39 NMB 299 (2012); *Southwest Airlines*, 38 NMB 87 (2011); *Hawaiian Airlines, Inc.*, 29 NMB 308 (2002); *AirTran Airways, Inc.*, 28 NMB 603 (2001).

In this case, the record demonstrates that the Maintenance Controllers engage in a maintenance function in common with the Technicians, and share a work-related community of interest with them.

Among other things, the Maintenance Controllers monitor aircraft maintenance operations, provide reports to the Maintenance Operations Manager as to the mechanical status of aircraft, and notify managers of accidents or incidents. Additionally, the Maintenance Controllers make decisions as to maintenance deferrals and repairs, direct vendor maintenance operations, authorize special permit flights, coordinate field trips, secure

irregular maintenance, and keep tabs on out-of-service aircraft. Moreover, the Maintenance Controllers ensure that necessary components and parts are available, and make recommendations as to the use of tools, equipment, and parts.

The Maintenance Controllers also have experience as Aircraft Technicians, Aircraft Lead Technicians, Avionics Technicians, and/or Avionics Lead Technicians, and they regularly work with such employees on the maintenance of aircraft. Finally, like the Aircraft Technicians and Aircraft Lead Technicians, the Maintenance Controllers are required to have an A&P license.

Alaska submitted evidence that the Maintenance Controllers operate with discretion and authority in certain ways. Having some such discretion and authority, however, does not establish that they are management officials who are excluded from the craft or class. *See Southwest Airlines*, 37 NMB 87, 98 (2011). Accordingly, the Board finds that the Maintenance Controllers are part of Alaska's Mechanics and Related Employees craft or class.

Accretion

The Board's broad discretion to determine the manner in which it conducts investigations in representation disputes was upheld conclusively in *Brotherhood of Ry. & S.S. Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965). In *Ross Aviation, Inc.* 22 NMB 89 (1994), the Board dismissed an organization's application because the employees it was seeking to represent were already covered by a Board certification, and, therefore, an election was unnecessary. The Board consistently follows this policy where it finds that an application covers employees who are members of a certified craft or class because these employees perform job functions traditionally performed by employees in that craft or class. *E.g., ExpressJet Airlines, Inc.*, 44 NMB 180, 186 (2017).

Although Alaska has asked the Board to discontinue its established policy of accreting employees at a carrier, without first holding an election, in cases in which it concludes that those employees are part of an existing craft or class, the Board sees no reason to do so.

While its accretion determinations are based on a work-related community of interest, the Board still requires all applications in representation matters to be supported by an adequate showing of interest. In this case, AMFA supported its application with the requisite 50 percent

showing of interest and accretion is appropriate. *See, e.g., Southwest Airlines*, 42 NMB 110, 117 (2015).

CONCLUSION

The Board finds that Alaska's Maintenance Controllers are part of the Mechanics and Related Employees craft or class. As there is no further basis for investigation, NMB File No. CR-7216 is converted to NMB Case No. R-7572 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.



Maria-Kate Dowling
Acting General Counsel

Chairman Fauth, concurring.

I concur with the outcome of the Board's decision. However, I write separately because in cases such as this, where the Board finds a group of employees belongs in an existing, represented craft or class, a showing of interest substantially greater than 50 percent should be required for an accretion without an election. Here, the showing of interest is significantly higher than 50 percent. In the absence of such a majority showing, however, the employees sought to be accreted should have the opportunity to vote for or against representation.