



NATIONAL MEDIATION BOARD

1301 K St NW, Suite 250E
Washington, DC, 20005

In the Matter of the
Application of the

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS, AIRLINE
DIVISION

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

involving employees of

UNITED AIRLINES, INC.

51 NMB No. 9

CASE NO. R-7625
(NMB File No. CR-7245)

FINDINGS UPON INVESTIGATION -
DISMISSAL

February 2, 2024

FINDINGS UPON INVESTIGATION

This determination addresses the application of the International Brotherhood of Teamsters, Airline Division (IBT or Organization) alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. §152, Ninth (Section 2, Ninth),¹ among “Senior Staff Representatives—Maintenance Control Tech Support” (SSRs) at United Airlines, Inc. (Carrier or United). The IBT is the certified representative of the Mechanics and Related Employees craft or class at United. *United Air Lines*, 40 NMB 253 (2013) (NMB Case No. R-7363).

¹ 45 U.S.C. §151, *et seq.*

The IBT asserts that the SSRs belong in the Mechanics and Related Employees craft or class.

For the reasons set forth below, the National Mediation Board (NMB or Board) finds that the SSRs are already covered under the IBT's certification. Therefore, the Board dismisses the application.

PROCEDURAL BACKGROUND

On August 8, 2023, the IBT filed an application alleging a representation dispute involving SSRs at United. The IBT requested that the Board accrete the employees to the Mechanics and Related Employees craft or class and supported its request with authorization cards. The application was given NMB File No. CR -7245 and Eileen M. Hennessey was assigned as the Investigator.

On August 28, 2023, the Carrier filed the List of Potential Eligible Voters (List) containing the names of 38 SSRs. On September 18, 2023, United filed its initial position statement, opposing the accretion of the SSRs to the Mechanics and Related Employees craft or class.

On September 21 and October 5, 2023, the IBT requested extensions of time to file a response to the Carrier's position statement. The Investigator granted IBT's requests and on October 16, 2023, the IBT filed its response.

ISSUE

Are United's SSRs part of the Mechanics and Related Employees craft or class?

CONTENTIONS

United

United contends that SSRs are management officials and are excluded from the RLA's coverage. Therefore, the IBT's accretion application should be dismissed. In support of its contention United submits that SSRs have the authority to supervise members of the Mechanics and Related Employees craft or class, have the authority to create and transfer assignments for subordinate employees, and the authority to create carrier policy.

IBT

The IBT contends that the SSRs are part of Mechanics and Related Employees craft or class because they are required to hold Airframe & Powerplant (A&P) Certificates, provide technical advice and instruction to members of the Mechanics and Related craft or class, and “heavily collaborate with Maintenance Controllers who the Board has also held are within this craft or class.” In response to the Carrier’s assertion that SSRs are management officials, the IBT submits that the SSRs provide expertise on chronic complex maintenance problems and assist mechanics in the field with troubleshooting maintenance issues; they do not supervise employees, create or implement Carrier policy, or perform any of the other duties the Board considers when evaluating management official status.

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.

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

II.

IBT 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 the 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 voters in the event an election is required.

V.

45 U.S.C. § 151, Fifth, defines “employee” as every person in the service of a carrier (subject to its continuing authority to supervise and direct the manner of rendition of his service) who performs any work defined as that of an employee or subordinate official

STATEMENT OF FACTS

On May 15, 2013, following the merger between United Airlines and Continental Airlines, the NMB determined that the carriers were operating as a single carrier for the Mechanics and Related Employees craft or class. *United Air Lines/Continental Airlines*, 40 NMB 205 (2013). At the time of that determination, IBT was the certified representative of the Mechanics and Related Employees crafts or classes at pre-merger United (R-7141), Continental (R-6513), and Continental Micronesia (R-5083). On August 6, 2013 the Board certified the IBT as the representative of the combined carriers’ (post-merger United’s) Mechanics and Related Employees craft or class in NMB Case No. R-7363. *United Air Lines*, 40 NMB 253 (2013).

In support of its position, United provided the SSR job description, which lists the following as the “Key Responsibilities” for the position:

Support field technicians² and provide expertise/oversight on chronic, sophisticated, and repeat troubleshoot and repair needs (fleet/engines). In-station (on site support) to facilitate first time fix plans and lead, from a technical standpoint, chronic aircraft fix plans. Also collaborates heavily with Service Engineering, Maintenance Control, and indirectly OEM’s, including Airbus and Boeing. The position also engages in the design and upkeep of robust tracking and report databases to help identify trends, speed repeat, and recurrent item repair

The position requires the following minimum qualifications:

- High School or equivalent work experience
- Airframe & Powerplant licenses
- Minimum of 5 years in Line Maintenance as Technician
- Shown knowledge of Line Maintenance mission and activities

² At United, mechanics are referred to as technicians.

- Demonstrate exemplary troubleshooting skills
- Able to demonstrate a “working together” mentality
- Must be legally authorized to work in the United States for any employer without sponsorship
- Successful completion of interview required to meet job qualification
- Reliable, punctual attendance is a crucial function of the position

The following are the preferred qualifications for the position:

- Some College
- Fleet Specific Training/Knowledge Base
- Aircraft Maintenance Supervisory Experience
- Access and Fleet Health Monitoring Products
- Experience in DST and or Technical Training as Instructor

In addition to the position description, the Carrier provided a statement from Julianne Cooney, Managing Director, Labor Relations. According to Cooney, SSRs provide extensive oversight on chronic, complex, and repeat maintenance issues. They formulate and implement “first time fix plans” including creating Follow-Ups, which are specific and detailed work instructions for technicians to follow when addressing chronic or complex maintenance issues. Due to their expertise, SSRs provide critical field support to station technicians from a technical and leadership perspective. Incumbents in this position have the authority to recommend changes to United’s General Maintenance Manual and its Aircraft Maintenance Manual; their recommendations are seriously considered when revising United’s General Maintenance Manual and its Aircraft Maintenance Manual. SSRs provide instructional and dotted line leadership to station technicians and SSRs have the authority to recommend that a technician be assigned to a project; likewise, an SSR can recommend that a technician be removed from a project. SSRs may participate in panel interviews for candidates and provide feedback on whether or not to hire the candidate.

In support of its position, the IBT provided the SSR position description, an organization chart showing the SSR’s position within United, the Standard Operating Procedure Manual for the Technical Operations Technical Support (SOP Manual), and a Declaration from SSR Daniel Griffin.

According to Griffin, the relationship between SSRs and mechanics is not a supervisory one. While SSRs support mechanics on troubleshooting and repair of chronic repair needs, the decision to assign or transfer work assignments is

the sole decision of the supervisor, Manager-Technical Support, not the SSR. In addition, SSRs do not have the authority to hire, fire, or discipline other employees or effectively recommend the hiring, firing or discipline of employees.

Additionally, Griffin asserts that SSRs do not participate in the budget process or create carrier policy. SSRs create Follow-Ups, which Griffin describes as “a work item, not United Airlines policy.” Griffin further states that “the Reliability Department sets the policy on how SSRs must write the Follow-Ups.” Although the SSR position description states that there is “instructional as well as dotted line leadership mentorship to station technicians” the organization chart does not show that SSRs have any employees reporting directly to them or a “dotted line” reporting relationship with any employees.

DISCUSSION

Management Officials

Management Officials are ineligible to vote. These positions fall outside of the RLA’s coverage. Manual Section 9.211 states that the term includes individuals who have:

- (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*, 32 NMB 75, 110 (2004); *USAir*, 24 NMB 38, 40 (1996) (citing *Pan American World Airways*, 5 NMB 112, 115 (1973)).

The evidence in this case does not support a finding that SSRs are management officials. At best, SSRs have the authority to make recommendations regarding assignments, staffing, and policy. However, the Carrier did not provide evidence of examples where SSRs had actually exercised that authority.

United argues that SSRs' supervisory authority is that of a management official. The Carrier cites *Southwest Airlines*, 38 NMB 87 (2011), for the proposition that the Board has recognized that having a role in hiring strongly suggests that an individual is a management official. However, when that principle was applied to the facts in that case, the Board found that Facilities Maintenance Technicians and Maintenance Controllers were part of Southwest's Mechanics and Related Employees craft or class. The Board noted that these employees have "a level of authority of first line supervisors, not management officials." *Id.* at 100. Likewise, the SSRs' level of involvement in hiring, limited to providing feedback on candidates, does not rise to the level of management officials.

The Carrier states that SSRs exercise significant authority to "direct the manner of work done by subordinates," and cites *Pan American World Airways, Inc.*, 5 NMB 112, 115 (2011) (*Pan Am*) to support its contention that SSRs' authority to supervise renders them management officials. There, the Board did evaluate the level of authority Pan Am's foremen had to direct the manner of work done by subordinates. However, on the facts of the case, it concluded that the foremen's authority did not rise to the level of management official and that the foremen were subordinate officials or employees within the meaning of the RLA. Similar to the facts in *Southwest* and *Pan Am*, above, the Board, in this case, finds that SSRs do not possess unqualified authority to hire, discharge and supervise employees.

Here, there is no evidence that SSRs supervise employees. Rather, SSRs provide "feedback," "oversight," "support" and "instruction" to mechanics. The position description and the organization chart do not support of finding that SSRs possess the level of supervisory authority to classify them as management officials. Notably, the position description does not state that SSRs supervise mechanics; rather, it states only that SSRs provide "instructional and dotted line leadership to station technicians."

In addition, SSRs do not create and transfer assignments; instead, they act only as a liaison with Hub Maintenance Station personnel. Nor do SSRs create Carrier policy. According to the SOP Manual, the Director of Service

Engineering, not an SSR, has the authority to change the general policies of the Technical Support department. The declaration of the SSR also states that SSRs do not create Carrier policy or participate in the budget process.

Similar to the facts in *Southwest* and *Pan Am*, the Board in this case finds that SSRs do not possess unqualified the authority to hire, discharge and supervise employees.

The Board, therefore, finds that the SSR position is not a management official and does not fall outside of the RLA's coverage.

Craft and 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. *Southwest Airlines*, 42 NMB 110 (2015); *Endeavor Air*, 41 NMB 281, 285 (2014). The factor of work-related community of interest is particularly important. *US Airways*, 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*, 10 NMB 26, 39 (1982). 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/Continental Express*, 27 NMB 99, 109 (1999).

The Board has examined the scope of the craft or class of Mechanics and Related Employees in numerous decisions and repeatedly concluded that the appropriate craft or class includes the "related employees." See, e.g., *AirTran Airways*, 31 NMB 45 (2003); *United Parcel Serv. Co.*, 30 NMB 84 (2002); *Eastern Airlines*, 4 NMB 54 (1965). The functional connection between mechanics and those employees who perform other maintenance related operations in the craft or class that has historically formed a basis for this identity as a single craft or class. See generally, *Federal Express Corp.*, 20 NMB 360 (1993). The Board has stated that "[t]he 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 Airlines*, 4 NMB 54, 63 (1965).

Both the position description and SOP Manual, state that SSRs support

United's mechanics and provide expertise and instruction to address "chronic, complex and repeat troubleshoot and repair needs." Incumbents in the SSR position are required to hold an A&P Mechanic Certification. The Board has consistently found that employees who perform duties similar to those of United's SSRs are properly part of the craft or class of Mechanics and Related Employees on the basis of work-related community of interest. In addition to working with mechanics, SSRs collaborate "heavily" with Maintenance Controllers, a position already within the Mechanics and Related Employees craft or class. *United Air Lines*, 40 NMB 253 (2013) (Maintenance Controllers held to be part of the Mechanics and Related Employees craft or class at United following its merger with Continental Airlines).

Accordingly, the Board finds that the SSRs at United are part of the 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*, 22 NMB 89 (1994), the Board dismissed an organization's application because a Board certification already covered the employees it was seeking to represent, 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*, 44 NMB 180, 186 (2017).

While accretion determinations are based upon 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, the IBT 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 United's SSRs are part of the Mechanics and Related Employees craft or class. As there is no further basis for investigation, NMB File No. CR-7245 is converted to NMB Case No. R-7625 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.



Maria-Kate Dowling
General Counsel

Board Member 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.