



## NATIONAL MEDIATION BOARD

WASHINGTON, D.C. 20572

(202) 692-5000

In the Matter of the  
Application of the

TRANSPORT WORKERS UNION  
OF AMERICA AND THE  
INTERNATIONAL ASSOCIATION  
OF MACHINISTS & AEROSPACE  
WORKERS

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

involving employees of

AMERICAN AIRLINES, INC. / US  
AIRWAYS, INC.

42 NMB No. 15

CASE NOS. R-7422;  
R-7423 and R-7424

(FILE NO. CR-7131)

FINDINGS UPON  
INVESTIGATION

April 15, 2015

This determination addresses the applications filed jointly by the Transport Workers Union of America (TWU) and the International Association of Machinists and Aerospace Workers (IAM) as the Airline Mechanic and Related Employees Association TWU/IAM (TWU/IAM Mechanics Association), the Airline Fleet Service Employee Association TWU/IAM (TWU/IAM Fleet Association), and the Airline Stores Employee Association TWU/IAM (TWU/IAM Stores Association). TWU and IAM request that the National Mediation Board (NMB or Board) investigate whether American Airlines, Inc. (American) and US Airways, Inc. (US Airways) (collectively the Carriers or the New American) are operating as a single transportation system for the crafts or classes of Mechanics and Related Employees, Fleet Service Employees, and Stock and Stores Employees.

The investigation establishes that American and US Airways constitute a single transportation system for the Mechanics and Related Employees, Fleet Service Employees, and Stock and Stores Employees crafts or classes.

### PROCEDURAL BACKGROUND

On January 10, 2014, American notified the Board that “on December 9, 2013, American Airlines Group, Inc. (formerly known as AMR Corporation) and US Airways Group, Inc. implemented a merger agreement dated February 13, 2013, resulting in the former’s acquisition of the latter, including its wholly-owned subsidiary US Airways, Inc.” On August 6, 2014, TWU and IAM jointly filed applications alleging a representation dispute involving the craft or class of Mechanics and Related Employees, Fleet Service Employees, and Stock and Stores Employees at the Carriers.

The Mechanics and Related craft or class is represented by TWU at American under the Board’s certification in *American Airlines, Inc./TWA Airlines*, 29 NMB 293 (2002). At US Airways, the Mechanics and Related craft or class is represented by IAM under the Board’s certification in *US Airways/America West Airlines*, 33 NMB 321 (2006). TWU was certified as the representative of the Fleet Service Employees craft or class at American in NMB Case No. R-6873. *American Airlines, Inc./TWA Airlines*, 29 NMB 293 (2002). IAM was certified to represent the Fleet Service Employees craft or class at US Airways in NMB Case No. R-6248. *US Airways/America West Airlines*, 33 NMB 191 (2006) TWU represents the Stock and Stores employees at American in NMB Case R-1477. *American Airlines, Inc./TWA Airlines*, 29 NMB 293 (2002). IAM is the certified representative of the Stock Clerks craft or class on US Airways pursuant to the Board’s determination in NMB Case No. R-7100. *US Airways/America West Airlines*, 33 NMB 375 (2006).

TWU and IAM assert that American and US Airways constitute a single transportation system for representation purposes under the Railway Labor Act (RLA or Act).<sup>1</sup> The Board assigned Maria-Kate Dowling to investigate and requested that the Carriers provide information regarding their operations. On August 19, 2014, the Carriers submitted the requested information and their initial position statement. On August 28, 2014, TWU and IAM filed an initial position statement. On November 6, 2014, the Carriers and the TWU and IAM filed their responses to the Board’s October 9, 2014 request for additional information regarding craft or class issues raised by the applications. In addition, the Board has taken administrative notice of the Carriers’ filings in *American Airlines/US Airways*, 41 NMB 90 (2014), *American Airlines/US Airways*, 41 NMB 145 (2014), *American Airlines/US Airways*, 41 NMB 174 (2014) and NMB File No. CR-7130, an application for a single carrier

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

determination involving the Dispatchers, Flight and Ground Instructors, and Simulator Technicians at the New American.

### ISSUES

Are American and US Airways operating as a single transportation system? If so, what are the representation consequences?

### CONTENTIONS

#### American and US Airways

The Carriers state that the Board should find that a single carrier exists for the crafts or classes covered by this application. As stated in previous filings with the Board, the corporate merger involving American and US Airways became effective on December 9, 2013. The Carriers acknowledge that although complete integration of flight operations will not be possible until issuance of a single operating certificate, the Carriers have already achieved significant indicia of a single transportation system. The Carriers also state that the Board has found that American and US Airways are a single transportation system with respect to the Passenger Service Employees, Flight Attendant, and Flight Deck Crewmember crafts or classes. Finally, the Carriers note that there are differences in the composition of the three crafts or classes in this proceeding.

#### TWU/IAM Association

TWU and IAM agree with the Carriers that American and US Airways have submitted more than sufficient information to establish that the Board's single carrier standards are satisfied in this case. The Board has now concluded that American and US Airways constitute a single carrier with respect to three sizeable crafts or classes: Flight Deck Crewmembers, Flight Attendants, and Passenger Service Employees. In each instance, the Board's decision reflected the substantial progress made by the Carriers toward operation integration. TWU and IAM also acknowledged that the alignment of the crafts or classes at issue in this case require adjustment to certain positions. TWU and IAM argue that labor stability and efficient labor relations are best served by avoiding unnecessary fragmentation of existing crafts or classes.

## FINDINGS OF LAW

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

### I.

American and US Airways are common carriers as defined in 45 U.S.C. § 181, First.

### II.

TWU, IAM, Airline Mechanic and Related Employee Association TWU/IAM, Airline Fleet Service Employee Association TWU/IAM and Airline Stores Employees Association TWU/IAM 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 FACTS

### Background

Prior to the merger, American was a wholly-owned subsidiary of AMR Corporation (AMR). American is headquartered in Dallas-Fort Worth, Texas and operates approximately 1900 flights a day. American has hubs in Dallas-Fort Worth; Miami; Chicago-O’Hare; Los Angeles; and New York-JFK. Pre-

merger US Airways was a wholly-owned subsidiary of US Airways Group with its headquarters in Tempe, Arizona. US Airways operates more than 1,200 flights per day and has hubs in Charlotte, North Carolina; Philadelphia, Pennsylvania; Phoenix, Arizona; and at Washington, DC's Reagan National Airport.

On February 13, 2013, AMR and US Airways Group entered into an Agreement and Plan of Merger (Merger Agreement) under which the former would acquire the latter, including its wholly-owned subsidiary US Airways. In March 2013, the Carriers announced the creation of the Integration Management Office (IMO) to manage the integration of the two companies. The IMO is based in Fort Worth, Texas and centrally manages all integration-related topics, including developing the master plan and timeline for the integration. Following governmental and shareholder approvals, the Merger Agreement became effective on December 9, 2013.

As of August 1, 2014, TWU represented approximately 11,349 employees in the Mechanics and Related Employees craft or class, approximately 9,079 employees in the Fleet Service Employees craft or class, and approximately 1,209 employees in the Stock and Stores Employees craft or class at American. As of August 1, 2014, IAM represented approximately 4,854 employees in the Mechanics and Related Employees craft or class, 6,507 employees in the Fleet Service Employees craft or class, and approximately 139 employees in the Stock and Stores craft or class at US Airways.

#### Common Corporate Ownership

Pursuant to the Merger Agreement, AMR was renamed American Airlines Group, Inc. (AAG), and American and US Airways are now wholly-owned subsidiaries of AAG. US Airways remains a wholly-owned subsidiary of US Airways Group. American and US Airways are now operating under the "American Airlines" name.

All of the outstanding stock of AMR Corporation has been converted into common stock in AAG, and each outstanding share of common stock of US Airways Group has been exchanged for one newly-issued share of AAG common stock. AAG, American, US Airways Group, and US Airways made their first consolidated filing with the Securities and Exchange Commission on December 9, 2013. Since that date common shares issued by AAG have been traded on the NASDAQ Global Select Market under the ticker symbol "AAL" and convertible preferred shares have been traded on the same market under the ticker symbol "AALCP." In addition, a common investor relations website for AAG has been created.

## Common Board of Directors

AAG has a single board of directors. Doug Parker, the former Chairman and Chief Executive Officer of US Airways Group and US Airways, is now Chief Executive Officer of AAG and Chairman of the Board of AAG.<sup>2</sup> He is also Chief Executive Officer of American and US Airways Group. The AAG Board of Directors also includes John T. Cahill (Lead Independent Director), James F. Albaugh, Jeffrey D. Benjamin, Michael J. Embler, Matthew J. Hart, Alberto Ibarguen, Richard C. Kraemer, Denise M. O'Leary, Ray M. Robinson, and Richard P. Schifter. The AAG Board of Directors held meetings in January, April and July 2014.

American and US Airways have common Boards of Directors. The three members of each company's Board of Directors are Doug Parker, Scott Kirby, and Steve Johnson. Kirby is the former President of US Airways and is now President of AAG, American, US Airways Group, and US Airways. Johnson is the former US Airways Executive Vice President, Corporate and Government Affairs and is now AAG's Executive Vice President, Corporate Affairs. A common directors and officers liability insurance policy covers the officers and directors of AAG and each of its subsidiaries.

## Common Management

All Officers, Executive Vice Presidents, Senior Vice Presidents, and Vice Presidents for the Carriers, and substantially all Managing Directors and Directors have been named. These individuals have taken responsibility for managing the New American's combined workforce of approximately 92,000 employees. The New American has finalized the designs for its combined administrative organization. The majority of non-executive positions were filled by June 2014.

The executive offices have been combined and many former US Airways senior executives and managers have relocated or are in the process of relocating to the American offices in Fort Worth, Texas, which is the headquarters of the combined Carriers. The first work group to integrate, Revenue Management, has already completed its move to Fort Worth. The leadership for each of the New American's airport operations has been announced and is in place.

The Carriers have also implemented policy changes at the Fort Worth corporate headquarters that reflect the integration of the corporate cultures of

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<sup>2</sup> Tom Horton, the former Chairman, President, and Chief Executive Officer of AMR Corporation and American, held the position of non-executive Chairman of the Board of AAG until June 3, 2014.

American and US Airways. The New American has held three quarterly “State of the Airline” webcast meetings for the combined carrier at its corporate headquarters. Over four separate sessions, the New American has brought together the Carriers’ management and over 5,000 employees to discuss the New American’s progress with the leadership team.

### Financial Integration

AAG reports its financial results on a consolidated basis, with separate reporting for American and US Airways. On January 28, 2014, AAG reported its fourth quarter and full year 2013 results including Generally Accepted Accounting Principles (GAAP) financial results that contained US Airways data for the period from the closing of the merger on December 9, 2013 through December 31, 2013. AAG reported its first quarter 2014 results on April 24, 2014, which included a complete quarter of post-merger GAAP consolidated results for AAG. According to the declaration of Paul Jones, Senior Vice President, General Counsel, and Chief Compliance Officer for AAG, American, US Airways Group, and US Airways, in the first quarter of 2014, US Airways Group and US Airways discontinued filing separate periodic and current financial reports with the SEC.

The Carriers have completed purchase accounting and reporting requirements for the New American and have aligned financial statement accounts and accounting policies. Starting January 1, 2014, the New American elected to use one firm to audit both Carriers’ finances. The Finance groups of American and US Airways are under the direction of a single officer to ensure consistency.

The Carriers continue to integrate their procurement programs, including the negotiation with suppliers for consolidated services. At Phoenix and New York-JFK, airport third-party suppliers, including janitorial, aircraft cabin cleaning, and wheelchair services have been consolidated. Their respective resource approval, commitment, and disbursement processes have been aligned, including those related to capital expenditures, expense projects, contracts, leases, and dispositions. Jones states that significant progress has been made in the alignment of cargo handling contracts. The Carriers are also in the process of consolidating ramp handling and other suppliers including fuel and aircraft parts.

### Centralized Control of Labor Relations

There is a single management group responsible for labor relations at the Carriers. As noted above, Paul Jones, former Vice President, Legal Affairs for US Airways is now Senior Vice President, General Counsel and Chief

Compliance Officer for AAG, American, US Airways Group and US Airways. In this role, Jones is responsible for labor relations at the merged carrier. Al Hemenway, former Vice President of Labor Relations for US Airways, is now the Vice President of Labor Relations for the Carriers. Jones and Hemenway have overall responsibility for, among other things, collective bargaining negotiations, the administration of collective bargaining agreements, the grievance and arbitration process, and all other aspects of labor relations. According to Jones, all positions in the Labor Relations department have been filled.

### Labor Protection Provisions and Interim Agreements

The unions representing several crafts or classes of employees at American and/or US Airways have engaged in negotiations with one or both of the Carriers to determine or expedite the process for determining common terms and conditions of employment. See *American Airlines/US Airways*, 41 NMB 90 (2014); *American Airlines/US Airways*, 41 NMB 145 (2014); *American Airlines/US Airways*, 41 NMB 174 (2014).

The IAM, the TWU, US Airways, and American have also reached an agreement regarding the method to be used for integrating the seniority lists of the ground service employee groups covered by this proceeding. Any integrated seniority list that results from this process will be implemented following the implementation of a Joint Collective Bargaining Agreement (JCBA) applicable to each group.

### Common Personnel Policies

The Human Resources functions of the New American have been combined under Elise Eberwein, Executive Vice President, People and Communications. The leadership team reporting to Ms. Eberwein, including all Vice Presidents and Managing Directors of the various human resources functions, has been named, and they have assumed their roles. Effective January 1, 2014, the Carriers implemented a number of common personnel policies applicable to management, support staff, and other non-represented employee groups at American and US Airways. These policies include a single company seniority policy for US-based employees, a common vacation scheduling policy, and common holiday schedules. The Carriers have announced that beginning in January 2015, all US-based New American management and support staff will have consistent medical benefit plan options, and the same sick leave and short-term and long-term disability benefits. Also as of January 2015, a single company seniority policy, a common vacation accrual and usage policy, and a common holiday schedule



will be put into effect for all management and support staff at both carriers, and the 401(K) matching contribution, pay, and leave of absence policies will be aligned.

The combined Human Resources Department is in the process of harmonizing the Carriers' other personnel policies and procedures and will be implementing additional common policies as they are developed. According to Paul Jones, the Human Resources Department has nearly completed the first version of a common employee handbook for both Carriers. The Carriers have also selected a health and welfare benefit administrator for employees of both Carriers, and an investment advisor for the New American's 401(K) plan. Details of all policies are made available to employees and employees can email questions to [merger.questions@aa.com](mailto:merger.questions@aa.com).

All former US Airways employees have been assigned a lifetime American employee number and, as of July 15, 2014, substantially all US Airways employees had received their American ID number. This number will provide US Airways employees with access to system applications such as dual-access travel, benefits enrollment, and Jetnet, American's intranet system.

Employees of both American and US Airways became eligible for zero-fare interline flights on the other airline. The Carriers have also aligned aspects of the non-revenue travel system so that they are uniform between the two Carriers. Aligned policies include pass privileges for family and friends, free coach travel, new employee travel, discounted positive-space travel, retiree travel eligibility, travel dress code, minimum age for first class travel, and age for dependent travel. Employees of each Carrier have also been provided with additional details regarding future common travel enhancements. Beginning in the Fall of 2014, both Carriers began boarding employees under a uniform priority system by check-in time. Web check-in for flights also became available. The AMR Travel Club, a membership organization, has opened its scholarship program to dues-paying US Airways employees and retirees. All active and retired US Airways and American employees are now eligible to purchase either Admiral Club or US Airways Club membership.

In early January 2014, a joint careers page became available to all employees that permits them to view and apply for open positions at both Carriers as internal candidates. The process for internal posting of US-based management and support staff positions is uniform between the two Carriers. To the extent feasible, the content of new employee orientation programs has been aligned. New flight attendants at both carriers are now being trained at the same location. In May and June 2014, the New American conducted joint Captain Leadership Trainings with newly promoted captains from both carriers.

The merged Carrier has also implemented operational and financial incentive programs for employees. For example, through the “Operations Olympics” program, employees of both carriers will be awarded 50 dollars for each number one ranking against the Carriers’ biggest competitors in on-time arrivals, baggage performance, and customer satisfaction. Additionally, approximately 2,000 management employees participated in a common 2014 short-term compensation program that provides annual bonuses based on achieving certain annual pre-tax earnings goals. The Corporate Recognition Program consisting of the Above and Beyond, Chairman’s Award, and service anniversaries program has been aligned for 2014.

### Common Employee Communications

American’s intranet system, Jetnet, will be the intranet resource for all employees of the combined Carrier and during integration, identical updates and news will be posted on both legacy systems. As of December 9, 2013, all officers of AAG and US Airways groups received access to Jetnet. On December 9, 2013, employees of the Carriers with email access were able to share calendars, schedule meetings, and send instant messages to each other. All employees of the Carriers are found in the New American’s global address book. Substantially all US Airways employees who had a usairways.com email address now also have an aa.com email address. For a period of time, emails sent to a usairways.com address will be forwarded to the intended recipient at his or her aa.com address. All outgoing email communications will be from aa.com.

Since February 2013, the Carriers have distributed “Arrivals,” a weekly newsletter for employees of both US Airways and American that provides information, updates, and insights about the merger. Since the merger, combined daily news updates have been distributed to employees of both Carriers. The Carriers also publish a joint benefits newsletter with features about benefits, wellness, and 401(k) savings.

### FAA Operating Certificate

On January 2 and 3, 2014, the Federal Aviation Administration (FAA) approved the American and US Airways FAA Transition Plan for moving to a single operating certificate. The FAA’s approvals state that the estimated issuance date for the New American’s single operating certificate is on or about April 6, 2015. On April 8, 2015, the FAA issued a single operating certificate to the New American.

## Routes and Schedules

On January 13, 2014, the Carriers launched the first phase of a codeshare between American and US Airways that enabled customers to purchase tickets for select codeshare flights for travel beginning on January 23, 2014 on either carrier's website or other distribution channels. In early February 2014, the Carriers expanded their pre-existing codeshare agreement to include all flights within the combined network, pending government approval in certain international markets. As a benefit of the codeshare, customers are now able to make reservations for both American and US Airways flights on American's website. To ensure that customers and their luggage will make their scheduled connections between codeshare flights, the Carriers have revised minimum connection times.

US Airways has ended its codeshare relationship with United Airlines, and no flights after March 30, 2014 have been flown under that codeshare. As of March 31, 2014, New American customers were no longer able to earn miles or receive Star Alliance Gold or Silver benefits from a flight with a Star Alliance Partner. In early April 2014, US Airways joined the codeshare arrangement among Atlantic Joint Business members American, British Airways, Iberia, and FinnAir as an affiliate member, and expects to maintain that status until a single operating certificate is obtained. In June 2014, US Airways launched a codeshare with **oneworld**® member Iberian.

In June 2014, the Carriers began to harmonize their networks by increasing mainline flying between legacy US Airways and legacy American hubs. The New American expects to maintain all hubs currently served and will align service at those hubs. The New American will operate hubs in Charlotte, Chicago, Dallas-Fort Worth, Los Angeles, Miami, New York-JFK, Philadelphia, Phoenix, and Washington Reagan National. American has announced changes to its scheduling practices so that they are similar to those of US Airways. These changes include "re-banking" its hubs to vary schedules according to demand and optimizing operational performance. In Miami, the Carriers announced a re-banked schedule that was implemented on August 19, 2014. Subsequently, the Carriers anticipate implementing a re-banked schedule in Chicago and Dallas-Fort Worth. The Carriers' Network Planning team has made plans and taken steps to redeploy aircraft within each legacy system to optimize the strength of the new network. The first phase of aircraft redeployment commenced on July 2, 2014.

## Integration of Operations

According to Jones, the integration of the Carriers' various technologies including their three Crew management systems is a complex undertaking and

impossible to efficiently implement in advance of a single operating certificate. The Carriers have, however, taken steps to integrate passenger functions before issuance of the single operating system. In this regard, the Carriers are now co-located at a total of 80 airports. This includes co-location of operations involving the Carriers' regional partners. At New York-JFK, ticket counters and gates are now side by side. At Phoenix, each airline's ticket and check-in counters, gates, baggage services, customer service operations, and aircraft maintenance operations are co-located. In Miami, US Airways' ticketing, check-in, and baggage services are adjacent to American's and flights are operated out of adjacent concourses, enabling easier connections. Cargo operations have been co-located in more than 92 cities including New York-JFK, Phoenix, Chicago, Charlotte and Washington-Reagan.

Several aircraft modification initiatives are underway with the goal of aligning the US Airways and American aircraft designs. For example, in August 2014, the New American began the modification of the galleys on 19 American A319 aircraft to align certain characteristics to the existing 93 US Airways A319 aircraft. The New American has also aligned the manner in which Technical Operations evaluates and communicates with Network Planning regarding aircraft access for scheduled and unscheduled maintenance.

The New American has also announced that it plans to build a new integrated operations control center in Fort Worth. This construction began in late summer of 2014 with completion anticipated in the third quarter of 2015.

The New American has also created the Technology Integration Management Office (TIMO), a joint organizational structure to manage information technology integration. TIMO works alongside the Carriers' business units to assess technology requirements and systems work necessary to implement integration milestones. TIMO has determined what technology systems will be used for the New American. For example, the New American has reached a master services agreement with Sabre, American's current Passenger Services System provider, for the New American's reservation system. Implementation of a single integrated Passenger Service System with a single website is projected by the end of the fourth quarter of 2015. It is also projected that reservations centers will be fully integrated by the end of 2016. The New American has also determined that American's Boeing procedures and Flight Operations Manual and US Airways' Airbus procedures will be used at the merged Carrier.

## Frequent Flyer Programs and Customer Service

On January 7, 2014, “Customer Day One,” the Carriers announced a more seamless customer experience. The Carriers advertised new common policies and benefits to customers through both airlines’ email, sales communications, home pages, arriving pages, social media (Facebook, Google+, Twitter), paid search marketing, and interactive voice recordings on reservations phone lines. All US Airways and American frequent flyers are now able to earn miles when traveling on flights of the other Carrier. Frequent flyers can also use miles from one Carrier’s program to book award travel on the other Carrier. American frequent flyer miles can be redeemed for US Airways flights using American’s reservations department or through American’s website. Similarly, US Airways frequent flyer miles can be redeemed for American flights using US Airways’ reservation department or website. Additionally, all eligible miles and segments earned when flying on either airline will count toward elite status qualification in the program of the customer’s choice. Retroactive mileage credit for frequent flyers of one Carrier traveling on the other Carrier on or after January 7, 2014, can be obtained. To facilitate frequent flyer reciprocity, the Carriers have exchanged some frequent flyer customer data.

The New American has issued new frequent flyer award charts at each carrier to harmonize the award benefits and levels in existing programs. For example, the US Airways Dividend Miles program has eliminated blackout dates to be consistent with the AAdvantage program. The Carriers expect to combine their two frequent flyer programs in 2015. The Carriers also plan to combine frequent flyers’ award mileage balances, million mile balances, and elite-qualifying activity from both programs at that time.

US Airways exited the Star Alliance on March 30, 2014, and joined **oneworld®**, the alliance of which American is a founding member, on March 31, 2014. US Airways Dividend Preferred members have been sent new membership cards and can enjoy the same **oneworld®** benefits as AAdvantage members, such as mileage earning and redemption opportunities, reciprocal elite relationships, and lounge access on other **oneworld®** carriers.

Elite members of each airline’s frequent flyer program have many benefits on the other carrier, such as priority check-in, complimentary checked bags, complimentary access to preferred seats, priority security, early boarding, and priority baggage delivery. American and US Airways’ boarding announcements have been aligned to accommodate these passengers, and changes were made to closely align the boarding process. As of June 11, 2014, the Carriers offered reciprocal elite upgrade benefits for travel within and between the US (except Hawaii) and select other destinations. Customers with

membership at US Airways Clubs are able to access the 35 American Admirals Clubs. Admirals Club members can access all 19 domestic US Airways Clubs. At Washington-Reagan, Raleigh-Durham, Los Angeles, and Philadelphia, where each Carrier has a lounge, the Carriers have consolidated the Clubs.

The Carriers have also unified certain customer policies including infant acceptance, unaccompanied minor age ranges, web and airport check-in windows, bereavement fares, and international documents verification. Checked bag fees and bag fee exemptions have been aligned. In instances where a policy alignment has yet to be made, agents have been trained and systems have been programmed to make agents aware of any difference between American and US Airways. The New American has launched a transitional help desk for frontline agents of both Carriers. This help desk is staffed by employees from both American and US Airways and aids agents with their customer policy and procedure questions.

Customers of both American and US Airways now have access to a day-of-travel tool called “Find Your Way” at [www.aa.com/findyourway](http://www.aa.com/findyourway) that helps customers navigate airports and directs them to key travel information on the correct carrier’s website. For example, the “Travel Tools” section links customers to information on check-in, reservations, airports, clubs and lounges, notifications, in-flight, destinations, and bags. Each category contains a link titled “American” and another link titled “US Airways.”

The Carriers have also implemented tools to aid customers during the integration process including arrival announcements, updates to the Find Your Way website, and station-specific tools, including “New American is arriving” directional signage that will continue to be updated to reflect progress in the integration process. At all US Airways stations that overlap with American, signage is used that contains both the American and US Airways logos. Each Carrier’s customer reservation phone line has an interactive voice response greeting that states “[t]he merger between US Airways and American Airlines is underway,” and offers callers the opportunity to hear additional details about the merger, before calls are transferred to an agent. Each Carrier’s automated system also directs customers interested in finding out more information on the New American to [www.usairways.com/arriving](http://www.usairways.com/arriving) or [www.aa.com/arriving](http://www.aa.com/arriving), respectively. For day-of-travel information, the systems direct customers to [www.usairways.com/findyourway](http://www.usairways.com/findyourway) and [www.aa.com/findyourway](http://www.aa.com/findyourway), respectively.

Customers can access and print their boarding passes for flights on one Carrier via a link on the other Carrier’s website. Each Carrier’s website also recognizes record locator numbers of the other Carrier. US Airways has started

migration to American's re-accommodations system which is used to rebook customers when a flight is cancelled or significantly delayed.

Certain inflight announcements have been made uniform between the carriers. The Carriers now have a single Gogo® inflight wireless internet portal for which customers can apply their monthly and daily passes to inflight internet on either carrier. Since April 2014, American's boarding video, arrival music, and radio stations began playing on US Airways flights. US Airways has expanded its domestic in-flight meal windows to align with those of American. Glassware and linens on both carriers have been aligned. American has committed to retrofitting its existing 777-200 and 767-300 aircraft to include fully lie-flat premium seating similar to the US Airways Envoy Suite, a lie-flat bed in international business class.

The Carriers now report combined operational performance statistics. These statistics are published to employees of both carriers. Beginning with the January 2014 results, the Department of Transportation has reported the Carriers' combined statistics in its monthly Air Travel Consumer Report. An emergency response procedure has been implemented between the Carriers. This procedure ensures that both American and US Airways are available to provide aid to each other and to each other's customers in the event of an emergency.

#### Livery, Flight Symbols, and Brand Elements

All employees of the New American had the opportunity to vote on their preferred tail livery for the combined fleet of nearly 1,000 aircraft, and the resulting selection of the United States flag tail was unveiled in January 2013. American and US Airways have started repainting their aircraft and two US Airways aircraft are in the new livery, including 14 aircraft operated by US Airways. The Star Alliance logo has been replaced by the **oneworld®** logo on almost all US Airways aircraft. A total of 335 aircraft at the combined Carrier are in service with the new livery. The livery, flight symbol, and other brand elements are being rolled out to all stations that have an upcoming co-location. This includes a new back wall for ticketing counters and baggage offices of both Carriers with a peel-off US Airways name/logo that can be removed when integration is complete. These back walls have been installed at the majority of the New American hubs and in more than 40 other airports.

American and US Airways share a common external recruiting website, [www.aacareers.com](http://www.aacareers.com). All management positions are posted as jobs at American unless there is a specific business reason why the position needs to stay on the US Airways platform. Additionally US Airways recruiters assist American hiring

managers with filling vacancies and interface with American's vendor, IBM. The Carriers attend recruiting events together.

### Standardized Uniforms

All employees have been issued a commemorative luggage tag that says "New American is Arriving." This tag displays both carriers' logos and shows the year "2013." To celebrate US Airways joining **oneworld**®, employees at American and US Airways received a new company ID folder featuring the American and **oneworld**® logos. Customer service agents, flight attendants, pilots, and non-uniformed employees received a lanyard. Since Fleet Service employees and tech ops employees work in tight spaces and around aircraft, these employees received an arm badge holder. Additionally, all customer-facing US Airways employees received a pin.

As of July 1, 2014, all employees of both carriers were expected to wear only the approved company ID holders and use only company-approved badge backers. All Star Alliance affiliations and marks have been removed from US Airways employee uniforms.

The Carriers have initiated selection and "wear testing" new uniforms for those employees who wear uniforms. The new uniforms are expected to be in use and in operation in the next 18-24 months. As part of this process, the New American has selected the designer for the pilot, flight attendant, and customer service agent uniforms.

## 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 Brd.*, 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

Section 19.4 of the Board's Representation Manual (Manual) provides: "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 exists 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). In *Delta Air Lines/Northwest Airlines, above*, the Board found a single transportation system where the FAA had accepted the carriers' plan for transition to a single operating certificate; there was a single board of directors; the carriers and the union had reached an agreement on seniority integration; and management and human resources positions had been integrated.

As previously noted, the Board recently determined that American and US Airways operate as a single transportation system for the crafts or classes of Passenger Service Employees, *American Airlines/US Airways*, 41 NMB 90 (2014), Flight Attendants, *American Airlines/US Airways*, 41 NMB 145 (2014), and Flight Deck Crewmembers, *American Airlines/US Airways*, 41 NMB 174 (2014).

In the instant case, the Carriers are wholly-owned subsidiaries of AAG. AAG 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. Substantial steps have been taken toward financial integration of the Carriers. The Carriers have obtained a single operating certificate from the FAA. Personnel policies and practices have been or are in the process of being integrated. There is a common external recruiting website for hiring.

The Carriers have been aligning schedules in the markets where there are overlapping flights. The Carriers have established a code-sharing agreement. US Airways is no longer a Star Alliance member and has joined **oneworld**®, the alliance of which American is a founding member. The Carriers have begun the process of merging their frequent flyer programs, and members of both Carriers' programs are now able to receive benefits while flying at either Carrier. The Carriers are co-located at 70 airports including New American hubs at New York-JFK, Phoenix, and Miami. Cargo operations have been co-located in more than 60 cities including three of the New American's hubs. The Carriers have adopted a new logo and the first aircraft have begun operating with the new livery. The Carriers have aligned many customer service policies and flight services such as in-flight communication and entertainment. The Carriers have begun the process of transitioning to common uniforms.

Based upon the application of the principles to the facts established by the investigation, the Board finds that American and US Airways are a single transportation system for representation purposes in the Mechanics and

Related Employees, Fleet Service Employees, and Stocks and Stores Employees crafts or classes.

### III.

#### Craft or Class Issues

The Carriers and the Organizations agree that differences exist between the composition of the Mechanics and Related Employees, Fleet Service Employees, and Stock and Stores Employees crafts or classes at American and at US Airways. These differences reflect not only the evolution of the Board's view of what are appropriate crafts or classes in the airline industry but also the growth and expansion of each carrier and its respective system.

In determining the proper 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. *Louisville & Indiana Railroad*, 41 NMB 82 (2014). The Board makes craft or class determinations case by case, based upon Board policy and precedent. *USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988). While prior decisions of the Board with regard to craft or class on the same carrier are relevant, the craft or class issues in this case arise following a merger and the creation of a new system. Accordingly the Board's determination must necessarily be based on current circumstances. Finally, the pattern of representation established by a collective bargaining agreement or private agreement between the participants is not binding on the Board in its determination of a representation dispute arising under Section 2, Ninth. *United Airlines*, 6 NMB 134, 140 (1977).

#### A. Mechanics and Related Employees

At American, what is now the craft or class of Mechanics and Related Employees was first established in *American Airlines*, 1 NMB 394, 396 (1945), when the Board addressed the "problem" of "how to apply the principle of representation by craft or class well established in the railroad industry to the young and growing air transport industry." In that case the Board concluded that the craft or class included ground service personnel, plant maintenance personnel, and fleet service personnel. *Id.* at 405. In *American Airlines/TWA Airlines*, 29 NMB 240 (2002), the Board noted that although Board determinations have redefined the Mechanics and Related Employees craft or class in the airline industry since 1945, the basis for the identity of the craft or

class remains the functional connection between Mechanic classifications and those employees who perform related maintenance operations. *Id.* at 251 (citing *United Airlines, Inc.*, 6 NMB 134, 141 (1977)). TWU was certified as the representative of the Mechanics and Related Employees craft or class on the single transportation system created by American's acquisition of TWA in NMB Case No. R-6872. *American Airlines/TWA Airlines*, 29 NMB 293 (2002). IAM was most recently certified as the representative of the Mechanics and Related Employees craft or class at US Airways following its merger with America West Airlines, in NMB Case No. R-4593. *US Airways/America West Airlines*, 33 NMB 321 (2006).

*Quality Assurance Consultant/Continuing Analysis and Surveillance  
System Auditor and Quality Assurance Auditor*

At US Airways, the position of Quality Assurance Consultant (QAC) was accreted to the Mechanics and Related Employees craft or class. *See US Airways*, 28 NMB 50 (2000). The current agreement between US Airways and IAM describes the duties of the QACs as "performing audits, surveillance and investigations" to determine whether applicable regulations, policies, and procedures are being followed at US Airways maintenance operations, maintenance facilities, and contract maintenance providers and vendors. The QACs also provide direction and recommendations for corrective actions.

The equivalent positions to QACs at American are the Continuing Analysis and Surveillance System (CASS) Auditor and the Quality Assurance (QA) Auditor. Employees in these positions are unrepresented. According to Myles Nichols, the Managing Director Training, Inspection and Quality at the New American, the primary duties of the CASS Auditors and the QA Auditors is traveling throughout the system to perform audits at various stations and vendors. They review policies and procedures and, based on that review, make recommendations on how to improve performance of the maintenance operations. Nichols states that all CASS Auditors and QA Auditors ensure that mechanics and vendors follow the New American's inspection and maintenance manuals and procedures. According to Nichols and the job descriptions submitted by the Carriers, these employees are also responsible for conducting root cause analysis of identified quality concerns or findings, and evaluating the acceptability of proposed corrective actions. The qualifications for these positions include a FAA A&P certification, a technical degree, and several years of airline maintenance, engineering, or quality assurance experience.

As the Board noted in *US Airways*, above, Aircraft Inspectors have traditionally been included in the craft or class of Mechanics and Related Employees. 28 NMB at 61 (citing *Ross Aviation*, 22 NMB 89 (1994); *United Airlines*, 22 NMB 12 (1994); *United Airlines*, 5 NMB 65 (1965); *Eastern Air*

*Lines/United Air Lines/Seaboard World Airlines*, 4 NMB 54 (1965)). In *US Airways, above*, the Board determined that the QACs performed work similar to the functions performed by Aircraft Inspectors on other airlines, namely inspections and follow-up inspections to insure that all equipment is maintained and operated in compliance with company and government regulations. 28 NMB at 60-61. In addition, the Board noted that the QACs were required to have three years of aircraft maintenance experience or three years of specialized experience in a related aviation field. *Id.* at 61. The Board thus found that QACs were properly placed in the Mechanics and Related Employees craft or class. The CASS Auditors and QA Auditors perform equivalent duties to the QACs and have similar qualifications. Accordingly, the Board finds in this case that the CASS Auditors and QA Auditors share a work-related community of interest with the Mechanics and Related Employees craft or class.

*Maintenance Planner – A/C / Planner - Bill of Work and Planner –  
Workload Planning*

In *US Airways*, 28 NMB 104 (2000), the Board accreted the positions of Maintenance Planners – A/C to the Mechanics and Related Employees craft or class because of their regular contact with mechanics and work in support of the maintenance function. The current agreement between US Airways and the IAM describes the duties of Maintenance Planner – A/C as analyzing workflow and workload; scheduling aircraft, engine or shop maintenance; coordinating, scheduling and assigning maintenance work releases; and analyzing and scheduling new and deferred maintenance requirements.

At American, the equivalent job classifications to Maintenance Planner – A/C are Planner - Bill of Work and Planner – Workload Planning. Employees in these positions are currently unrepresented. According to the job description and the statement of Scott McGovern, the Director Technical Operations Line Planning at the New American, the primary duty of the Planner – Bill of Work is to create a “bill of work package” for aircraft maintenance checks. Employees in this position have primary work-related contact with the production group that handles aircraft maintenance workload, resources, and activities at line or base maintenance stations. The qualifications for the position include a technical degree, A & P license, or five years of commercial aircraft or related manufacturing experience. The job description for Planner – Workload Planning states that the position supports the Line Maintenance operation through extensive communication with Production Support Teams and the Integrated Operations Center. According to McGovern, the primary responsibility of the Planners – Workload Planning is implementing workload plans and schedules to accomplish programs at system aircraft maintenance operations, and to identify, coordinate, and schedule all planned and

unplanned maintenance workloads at maintenance stations for “termination aircraft.” McGovern states primary work-related contacts are also with the Production Group.

In early craft or class decisions, although the Board found positions involving the planning and scheduling of aircraft overhauls in maintenance shops were not clerical in nature, the positions were either found appropriate for separate representation, *Northwest Airlines*, 2 NMB 57 (1953), or placed in the clerical and related craft or class because their work involved translating data into work plans, *Eastern Air Lines*, 5 NMB 178 (1972). Subsequently in *Allegheny Airlines*, the Board concluded that the primary function of these planning employees was to provide an essential support function to the mechanics and the related personnel engaged in the actual maintenance and servicing of aircraft and equipment and they are properly included in the larger craft or class of Mechanics and Related Employees. 6 NMB 359, 364-365 (1977). In *US Airways*, 28 NMB 104 (2000), the Board found that US Airways Maintenance Planners – A/C continued to perform an essential support function to the maintenance of aircraft and to share a work related community of interest with the Mechanics and Related Employees. For these reasons, the job classifications of Planner – Bill of Work and Planner -Workload Planning at American are properly included in the Mechanics and Related Employees craft or class.

#### *Technical Document Specialist / Technical Editor*

In *US Airways*, 28 NMB 104 (2000), the Board also accreted the position of Technical Document Specialist to the Mechanics and Related Employees craft or class based on their regular contact with mechanics and because they performed work in support of the maintenance function. The Technical Document Specialist position at US Airways has the primary duty of developing aircraft maintenance/inspection programs in accordance with FAA Airworthiness Directives; preparing and maintaining current and comprehensive indexes of maintenance/inspection programs; and revising maintenance programs manuals to comply with policies.

Technical Editor is the equivalent job classification at American to US Airway’s Technical Document Specialist. Employees in this position are currently unrepresented. American’s Technical Editor is responsible for drafting and revising operational procedure and maintenance manuals and repair documents. The job descriptions provided for these Technical Editor positions indicate these employees prepare, interpret, and coordinate technical revisions to maintenance repair documents, technical information, maintenance policy, and procedures to ensure compliance with company policies and federal regulations.

The Board has long found that positions involved in the development and administration of technical publications providing instructions and procedures necessary for implementation of maintenance policy are part of the Mechanics and Related Employees craft or class. See *US Airways, above*; *Frontier Airlines*, 7 NMB 406 (1980); *Allegheny Airlines, above*. Accordingly, the positions of Technical Document Specialist and Technical Editor are appropriately included in the Mechanics and Related Employees craft or class.

#### *Technical Crew Chiefs/Maintenance Training Specialists*

At US Airways, the Maintenance Training Specialist position provides maintenance training and instruction to Mechanics and Related Employees involved in the inspection, maintenance, and overhaul of aircraft and components. Maintenance Training Specialists at US Airways are separately represented by the IAM pursuant to a certification issued in NMB Case No. R-6677. *US Airways*, 26 NMB 341 (1999). Following the merger of US Airways and America West, the IAM requested and the Board granted the extension of the IAM's certification to cover the unrepresented Maintenance Training Specialists at America West. *US Airways/America West*, 33 NMB 174 (2006). Although the Maintenance Training Specialists have been certified as a separate craft or class at US Airways, the IAM has historically bargained for these employees in conjunction with the Mechanics and Related Employees craft or class.

At American, Technical Crew Chiefs perform the equivalent work as the US Airways Maintenance Training Specialists. The Technical Crew Chiefs at American perform both on-the-job and classroom instruction related to aircrafts systems. The Technical Crew Chiefs are currently represented in the Mechanics and Related Employees craft or class at American.

In several cases, the Board has certified separate crafts or classes of employees performing maintenance instruction. In the pre- and post-merger *US Airways* cases mentioned above, and in *United Airlines*, 26 NMB 169 (1999), the Board did so with no discussion of work-related community of interest or other craft or class issues. It can be inferred that such issues were not raised by the participants. In *Eastern Airlines*, 5 NMB 94 (1976), the carrier argued that the appropriate craft or class should cover all instructors including ground school as well as maintenance and ramp instructors. In rejecting the carrier's argument, the Board acknowledged that the collective bargaining process is "hindered rather than aided by the existence of a multitude of bargaining units." *Id.* at 102. The Board concluded, however, that separate representation was appropriate given the record evidence that the carrier "had fragmented

portions of its training program to such an extent that each group is autonomous.” *Id.* In more recent cases, the Board has found that employees performing maintenance instruction are properly included in the Mechanics and Related Employees craft or class because of their direct contact with mechanics and a strong tie to the maintenance function. See *Southwest Airlines*, 39 NMB 246 (2011); *Spirit Airlines*, 33 NMB 363 (2006).

In the instant case, the Maintenance Training Specialists/Technical Crew Chiefs possess the same basic qualifications and perform the same duties as those in *Southwest* and *Spirit Airlines*. They teach courses to Mechanics and Related Employees in the classroom and in the shop. They must possess A&P licenses. In addition, they provide technical assistance and guidance in trouble shooting and repair of the aircraft and components used by Company. Accordingly, the Board finds that the Maintenance Training Specialists and Technical Crew Chiefs share a work related community of interest with and are properly included in the Mechanics and Related Employees craft or class.

#### *Maintenance Control Technicians/Technical Specialist*

In *US Airways*, 26 NMB 359 (1999), the Board found that the Maintenance Control Technicians (the position was then titled Maintenance Operations Control Supervisors) primarily performed the duties of coordinating maintenance operations, did not supervise mechanics but only provided technical advice when problems arose, and, therefore, shared a work-related community of interest with the Mechanics and Related Employees craft or class. In *American Airlines/TWA*, 29 NMB 400 (2002), the Board found that employees in the Technical Specialist position at American and TWA provided technical advice and direction to Mechanics on aircraft structural, mechanical, electrical, avionics, and power plant systems problems, and that these employees share a work-related community of interest with the Mechanics and Related Employees craft or class. The evidence submitted to the Board in this case establishes that there has been no significant change to the duties of these positions and that these positions retain their work-related community of interest with the Mechanics and Related Employees craft or class. Accordingly, the positions of Maintenance Control Technician and Technical Specialist remain in the craft or class of Mechanics and Related Employees.

#### *Flight Simulator Technicians/Flight Simulator Engineers*

The Flight Simulator Technicians at American are currently represented by TWU as part of the Mechanics and Related Employees craft or class. In 1975, TWU filed an application seeking to represent the Flight Simulator Technician employees of American. The Board stated, “The investigation disclosed that the employees performing the flight simulator work as well as



those performing military system contract work, are properly includable as employee accretions to the Mechanics & Related class and craft.” *American Airlines*, 5 NMB 248 (1976). Following its practice at that time, the Board held an accretion election. The majority of Flight Simulator Technicians did not vote for representation and TWU’s application was dismissed; however, in 1982 American voluntarily recognized TWU as the representative of these employees. Subsequently, as part of its single carrier decision in the merger of American and Trans World Airlines (TWA), the NMB found, relying on its 1976 determination, that the position of Flight Simulator Technician at American was covered by TWU’s certification in the Mechanics and Related Employees craft or class. *American Airlines/Trans World Airlines*, 29 NMB 240, 252 (2002). The NMB subsequently extended TWU’s certification to cover the Mechanics and Related Employees craft or class at the merged carrier without an election in R-6872. *American Airlines/Trans World Airlines*, 29 NMB 293, 295-296. (2002).

According to American’s “job description and essential functions” for Simulator Technician:

A Simulator Technician *shall perform as required or assigned* the maintenance of aircraft systems operation, emergency evacuation trainers, visual flight crew training devices, mock ups, motion systems, control loading, and classroom training equipment; *when assigned*, the Simulator Technician will perform maintenance of baggage X-ray equipment and miscellaneous audio and visual equipment.

In addition to the maintenance of equipment as described above, the Simulator Technician *may be assigned* to assist in the development and enhancement of trainers and systems, system evaluation, testing and programming of software as necessary to maintain equipment operations certification for simulator operation and related training equipment.

*As required or assigned*, the Technician shall research vendor sources and initiate material requests. Provide for resonant or spare parts, maintain required maintenance records, coordinate with the Federal Aviation Agency personnel, conduct training of other Simulator Technicians or Junior Simulator Technicians, attend vendor training, generate technical documentation for example (instruction manuals, wire lists, system schematic drawings, mechanical assembly drawings, etc.), fabricate training equipment parts or complete pieces of equipment, perform and evaluate simulator flight functions, perform modifications to

maintain equipment operating requirements, engineering change orders, and bulletins advising flight training staff on the operation of training equipment, and develop and post simulator and work schedule information. *Perform non-technical tasks as required by the simulator support department.* (emphasis added)

While many of these duties are “as required or assigned,” the job description states that each Simulator Technician “shall maintain proficiency in the practical and theoretical knowledge required to perform the full scope of this job classification.”

At US Airways, TWU was certified as the representative of a separate craft or class of Flight Simulator Engineers in 1980. *US Air*, 7 NMB 293 (1980). At that time, IAM was the certified representative of the Mechanics and Related Employees craft or class at US Airways, and there is no indication that the issue of the appropriateness of a separate craft or class of Flight Simulator Engineers was ever raised. After US Airways merged with Pacific Southwest Airlines, the Board held an election and TWU was again certified as the representative of Flight Simulator Engineers. *See USAir, Inc./Pacific Southwest Airlines*, 15 NMB 135 (1988); *US Air, Inc.*, 17 NMB 57 (1989). Following the merger of US Airways and America West Airlines, the Board extended TWU’s certification to include all Flight Simulator Engineers at the merged carrier. *US Airways/America West Airlines*, 33 NMB 297 (2006)(Flight Simulator Engineers at America West were unrepresented).

At US Airways, the Flight Simulator Engineers perform equivalent work to that of American’s Simulator Technicians and their duties include:

troubleshooting, repair, overhaul, adjustment, maintenance, calibration, testing, inspection, and modification to maintain equipment operating requirements of flight simulators, flight simulator sub-systems and components, flight simulator visual systems, cockpit procedure trainers, and ground school training devices (including integrally associated pneumatic, hydraulic and linkage systems, control cables and computers and peripheral equipment) used for flight training.

According to the declarations of Christopher Broom, Director of Flight Training Administration at the New American, the Simulator Technicians and Simulator Engineers possess computer software and programming skills. They must also maintain required maintenance records and perform modifications to maintain equipment operating requirements engineering change orders, and may be required to order or fabricate parts.

In many cases over many years, the NMB has concluded that Simulator Technicians are properly included within the Mechanics and Related Employees craft or class. See *United Air Lines, Inc.*, 32 NMB 75 (2004); *American Airlines, Inc./Trans World Airlines*, 29 NMB 240 (2002); *United Parcel Service*, 25 NMB 326 (1998); *Pacific Southwest Airlines*, 14 NMB 10 (1986); *Piedmont Airlines*, 10 NMB 504 (1983). In recent years, the NMB has recognized Flight Simulator Technicians as a separate craft or class in the airline industry. See, e.g., *United Air Lines/Continental Airlines*, 40 NMB 93 (2013); *Northwest Airlines, Inc./Delta Airlines, Inc.*, 37 NMB 88 (2009). Since the Board makes its determination of the craft or class placement for a group of employees on a case by case by basis, it can only be expected that different results will be reached at different carriers. The Board can only make determinations of whether a particular job classification is properly included in a particular craft or class based on the record before it.

As the Board has long recognized, the community of interest relates to the fact that all members of the craft or class “are engaged in performing the same general function – maintenance of the airline, whether it be maintenance of the aircraft, of buildings, or of equipment.” *Eastern Air Lines, Inc.*, 4 NMB 54, 64 (1965). Equipment maintenance is a core function in the Board’s definition of the Mechanics and Related Employees craft or class. In this case, the Simulator Technicians and Simulator Engineers clearly maintain the flight simulators and related training and other equipment. Their essential function remains the troubleshooting of maintenance issues and a practical knowledge of electronics and hydraulic systems, and wiring systems.

The Board’s determination in this case must include a review of the current circumstances on the New American just as current circumstances were evaluated in the *Northwest Airlines/Delta Airlines* and *United Air Lines/Continental Airlines* cases. The circumstances in this case are that the function, duties, job descriptions, and position grouping of the American Simulator Technicians and US Airways Simulator Engineers are aligned and relate primarily to “the maintenance of equipment” including the maintenance of audio visual equipment and baggage systems. Further, the collective bargaining agreement provides that Simulator Technicians are assigned to one of the following work sections: simulator operational support, audio visual, or technical support. To be sure, as flight simulator technology has evolved, the skill set of the Simulator Technician and Simulator Engineer has also grown more sophisticated. The same, however, can be said for the mechanics job with computer based cockpit systems. In both instances, the jobs utilize computer diagnostics to pinpoint mechanical problems. Technological changes in the airline industry that do not change the core job duties and functions do not justify a repudiation of the historical craft or class determinations. The jobs of both Simulator Technicians and Mechanics involve component parts but they

still require the fabrication of parts or equipment. Finally, both simulator work and mechanic work is subject to FAA inspection and require the documentation of work in maintenance logs.

Finally, in making its craft and class determinations, the Board has always considered the historical relationships established by employees and carriers. The Board has also long recognized that it should refrain from disturbing an established, customary, or historical craft or class in the absence of a material change in circumstances. *Eastern Airlines, above*, at 62. At American, the Board has consistently found that the Simulator Technicians are included in Mechanics and Related Employees craft or class. As discussed above, over the span of almost 40 years and a merger of carriers, the Board has declined to fragment the Mechanics and Related Employees craft or class at American by removing Simulator Technicians. To the contrary, following the American and TWA merger, the Board reaffirmed its finding that Simulator Technicians are properly a part of the Mechanics and Related Employees craft or class. Based on this historical pattern of representation, a stable collective bargaining relationship has been developed and maintained. Fragmenting the craft or class might lead to instability in labor relations in stark contrast to the existing stable situation which the Act seeks to promote. In this case, where the Simulator Technicians and Simulator Engineers perform equivalent duties and possess equivalent skills, the Board should give weight to the historical representation pattern at American and refrain from unnecessarily fragmenting the Mechanics and Related Employees craft or class.

Accordingly, the Simulator Technicians and Simulator Engineers properly remain part of the Mechanics and Related craft or class at the New American.

#### B. Fleet Service Employees Craft or Class

Following American's acquisition of TWA, the Board found that the single craft or class of Airline Mechanics, Ground and Fleet Service Employees was "no longer a proper craft or class at either American or TWA" and recognized a separate craft or class of Fleet Service Employees. *American Airlines/TWA*, 29 NMB 240, 251 (2002). TWU was certified as the representative of the separate Fleet Service Employees craft or class. *American Airlines*, 29 NMB 293 (2002). In 1978, the Board concluded that a separate Fleet Service Employees craft or class was appropriate at Allegheny Airlines. *Allegheny Airlines*, 6 NMB 490 (1978). Although it had previously found a combined Fleet and Passenger Service Employees craft or class at the carrier, the Board based its finding on changes in Allegheny's operational structure, and noted its longstanding policy of accommodating growth and changes within the airline industry while

promoting labor relations stability. *Id.* at 492. IAM was certified to represent the Fleet Service Employees craft or class at US Airways (previously Allegheny) in 2006 following the merger with America West. *US Airways/America West Airlines*, 33 NMB 191 (2006).

#### *Central Load Planners/Weight and Balance Planners*

Historically, the Board has found that employees performing weight and balance work at American were included in the Office Clerical craft or class. These employees are currently unrepresented. The weight and balance employees first appear in the Board's decisions as Airport Operations Agents described as a "composite job classification whose incumbents perform various functions depending on assignment in the Carrier's passenger, freight and even flight operations." *American Airlines*, 6 NMB 661, 667 (1978). These duties included, among many others, "using appropriate charts and reference materials to compute weight distributions." *Id.* At that time these employees were part of the then recognized Clerical, Office, and Passenger Service Employees craft or class. The Board noted, however, that it had previously found that craft or class appropriate in large part because both participants believed it was appropriate. *Id.* at 677. An application for a separate craft or class of Passenger Service Employees prompted a re-examination and the Board concluded that a separate Passenger Service Employees craft or class was appropriate. *Id.* at 681. The Board further concluded, based on preponderance evidence, that Airport Operations Agents performing weight and balance duties were excluded from the Passenger Service Employees craft or class. *Id.* at 683. In subsequent decisions, the Board viewed the weight and balance positions as remaining in an Office Clerical craft or class that remained unrepresented. *American Airlines*, 10 NMB 26 (1983); *American Airlines*, 21 NMB 60 (1993) (adhering to prior Board determinations in the absence of any material change in circumstances).

In contrast, at US Airways, the Board included employees performing weight and balance functions in the Fleet Service Employees craft or class. *USAir*, 15 NMB 369 (1988). The question presented in that case was whether, in light of the carrier's growth and the expansion of its system, a distinct and separate craft or class of Fleet Service Employees existed at US Airways. The Board concluded that it did and that Operations Agents who performed weight and balance were part of the separate Fleet Service Employees craft or class.

At American, the employees who perform weight and balance functions are now known as Weight and Balance Planners (WBPs). According to Mark Gross, Managing Director, Integrated Operations Center at the New American, the essential job duties of the WBPs have remained the same since 1993. While the job has become slightly more automated, the job description

indicates that the WBPs use a computerized system to perform aircraft weight and balance calculations, determine aircraft take-off and landing weight limits, review aviation weather reports and extract fuel loads off flight releases. Gross states that they spend approximately a quarter of their day in communication with other departments, including Dispatchers, Flight Crew, Customer Service, Station Operations, and Fleet Service personnel and management. Approximately a third of that communication time is with Fleet Service Crew Chiefs regarding the balancing of aircraft. Gross also states that the WBPs spend “at least as much time in a typical day” communicating with Dispatchers regarding fuel distribution, payload estimates, and runway or field conditions.

At US Airways, the weight and balance work is performed by Central Load Planners (CLPs). Their work is described in the US Airways-IAM Fleet Service collective bargaining agreement as the “normal and customary work associated with the weight and balance, take-off weights and communication of such information including preparation and distribution of necessary paperwork, and other CLP related work.” US Airways’ Central Load Planning Operations Manual describes their responsibilities as including “aircraft weight and balance calculations, aircraft take-off and landing weight limits, aviation weather reports and flight releases, and aircraft fuel requirements.” According to Gross, who prior to the merger held the position of Managing Director of the Operations Control Center for US Airways, the CLPs use the same computerized system as the WBPs to perform aircraft weight and balance calculations, determine aircraft take-off and landing weight limits, and review aviation weather reports and extract fuel loads off flight releases. Like their counterparts at American, Gross estimates that the CLPs spend approximately a quarter of their day in communication with other departments, including Dispatchers, Flight Crew, Customer Service, Station Operations and Fleet Service personnel and management. According to Gross, like the WBPs, approximately a third of that communication time is spent with ramp management regarding aircraft balancing. US Airways’ CLPs also work directly with station management regarding accommodation of customers, baggage and cargo shipments to be boarded on specific flights.

The WBPs work at American’s Integrated Operations Center (IOC) in Dallas/Fort Worth, Texas. The IOC is physically located away from the Airport Operations Area. The IOC is also home to Dispatch, ATC Coordination, Crew Scheduling, Maintenance Operations Control, System Customer Service, Flight Planning Support, and Emergency Planning and Response. At US Airways, the CLPs work at the Operations Control Center (OCC) in Pittsburgh, Pennsylvania. Other functions performed at the OCC, include Dispatch, Crew Scheduling, Maintenance Operations Control, Materials, ATC Coordination, System Customer Service, Regional Airline Coordination, and Emergency Operations.

There can be no question based on the evidence submitted that the WBPs and the CLPs perform the same functions and have identical duties. Because of differences in the evolution and development of each carrier and its system, however, these positions have been placed in very different crafts or classes: Fleet Service at US Airways and, as a result of a series of decisions, Office Clerical at American. These *American* decisions turn not so much on the duties of the weight and balance employees but on the Board's changing view of the appropriateness of a combined craft or class of Office Clerical Fleet and Passenger Service Employees. Once the Board found that the weight and balance positions were not properly part of Passenger Service, the Board considered them part of the residual group of employees: Office Clerical craft or class. Since their function did not change, the Board found no reason to revisit its finding. The merger of American and US Airways has created a new system and an opportunity for the Board to revisit this finding.

In *National Airlines*, 1 NMB 423, 427 (1947), the Board described the essential functions of Clerical and Office employees as suggested by their representative job titles including clerks; bookkeepers; accounting and statistical clerks; office clerks; operations and record clerks; stenographers; secretaries and typists; office mechanical device operators, such as mimeograph operators and accounting machine operators; and telephone switchboard operators. While office technology has clearly evolved since 1947, those titles still communicate the functional character of the intended employee grouping. As the Board later observed, Office Clerical Employees are primarily involved in general office work, including the processing and handling of documents and forms, and the design, review, and implementation of computer systems. *Allegheny Airlines*, 6 NMB 416, 425 (1978). Thus, the essential functions of the Office Clerical craft or class are functions supporting and monitoring the internal activities of the carrier.

In contrast, the essential functions of the WBPs and CLPs are related to the external operations of the carrier, namely flying aircraft, and thus to the duties of Fleet Service and Passenger Service employees. In the majority of cases involving the load and balance positions, the craft or class debate has been between Passenger Service or Fleet Service, in large part because of the historical cross-utilization of employees at smaller stations within a carrier's system. See *United Airlines*, 39 NMB 274 (2012); *National Airlines*, 27 NMB 550 (2000); *Continental Airlines*, 10 NMB 433 (1983). In the instant case, there is no contention that these employees perform any other function than weight and balance duties. The Board has long found that the duties of Fleet Service Employees include not only loading and unloading of aircraft, but also checking the weight distribution. *Jet America*, 10 NMB 159 (1983) (finding ramp coordinators who insure aircraft cleaned, fueled, perform weight and balance duties, relay weather and flight data to pilot are part of Fleet Service

Employees craft or class). Accordingly, the Board finds that they are properly included in the Fleet Service Employees craft or class.

### *Tower Planners / Operations/Tower Employees*

In *American Airlines*, 39 NMB 341, 351-52 (2012), the Board determined that Tower planners were not part of the Passenger Service Employees craft or class. American's Tower Planners are cross utilized to many different Tower functions. They perform ramp traffic direction/planning functions which involve communicating directly with flight crew, mechanics, and ramp personnel to direct the movement of an aircraft on the ground after it leaves the gate and is outside the jurisdiction of air traffic control. American's Tower Planners also coordinate arrival and departure and pre-plan for aircraft delays. They also work with the Ramp Manager on Duty to take and formulate responses to specific crew calls, including emergency landings or medical emergencies. Tower Planners also perform gate planning function at all hubs. In the event of inbound delays, the Tower Planner coordinates with the Tower Manager to determine whether to hold flights for connections and works with Ramp and Passenger Service employees to manage and rebook passengers and handle any necessary hotel reservations. In the American system, the Tower Planners engage in general operational planning functions, communicating and coordinating with flight crew, ramp agents and management, passenger service agents and management, and coordinating with vendors for fueling, de-icing and catering. These employees are currently unrepresented.

At US Airways, the Board has found that Operations/Tower employees performing "communication/coordination functions" and "ramp control" functions are properly included in the Fleet Service Employees craft or class represented by IAM. *USAir*, 15 NMB 369, 386-87, 395 (1988); *see also US Airways*, 25 NMB 399, 401, 403 (1998). Like their counterparts at American, the US Airways Tower Planners perform ramp control and communications/coordination related to the movement of aircraft. They also perform gate planning functions and the communications required to communicate station operations.

In *American Airlines*, the Board rejected American's argument that Tower Planners were part of the Passenger Service Employees craft or class stating that they "do not work with passengers or have customer contact" which is the essential characteristic of the Passenger Service Employees. 39 NMB at 353. The New American argues in this case that the Tower employees have an interest in keeping planes running. Therefore, the New American contends they play a central role in the "internal functioning of the carrier" and are properly included in the craft or class of Office Clerical Employees. As



discussed above, however, the essential function of the Office Clerical Employees craft or class is general office work supporting and monitoring the internal activities of a carrier. The employees at issue here clearly have a direct role in the New American's operations as an air carrier, and in their daily work communicate with other operations departments to coordinate the movement of aircraft and transmit information related to safe and efficient movement of aircraft. Because the Tower Planners and Operations/Tower Employees perform duties related to aircraft operations they are properly included in the Fleet Service Employees craft or class.

### C. Stock and Stores Employees Craft or Class

The NMB has recognized a separate craft or class of Stock and Stores Employees at American and US Airways. The Board certified TWU as the representative of the Stock and Stores Employees craft or class at American in 1945. *American Airlines*, 1 NMB 394 (1945). The Board extended that certification to cover the combined craft or class at American following its acquisition of TWA. *American Airlines*, 29 NMB 293 (2002).

At US Airways, the stock clerk position was originally included in the Mechanics and Related Employees craft or class. *USAir/Piedmont Aviation*, 16 NMB 412, 430 (1989). In 2000, the Board accreted the positions of Material Controllers and Inventory Analysts to the Mechanics and Related Employees craft or class. *US Airways*, 28 NMB 104 (2000). The Board noted that while employees performing stock and stores functions are generally considered a separate craft or class, the Stock and Stores employees on US Airways were covered by IAM's certification for Mechanics and Related Employees. *Id.* at 148. Accordingly, the Board concluded that Material Controllers and Inventory Analysts "share a work-related community of interest with the certified craft or class." *Id.* In 2006, following the US Airways and America West merger, the Board re-examined crafts or classes on the new combined system and concluded

IAM is the certified representative of the entire craft or class of Stock Clerks in the single transportation system. The IAM's certification, initially established in NMB Case No. R-4593, is extended to cover the entire craft or class of Stock Clerks on the combined US Airways system. The certification in NMB Case No. R-4593 now excludes Stock Clerks from the Mechanics and Related craft or class. *USAirways/America West Airlines*, 33 NMB 321 (2006). Accordingly, the IAM's certification as the representative of the Stock Clerks craft or class on the combined US Airways system is now based on the Board's determination in NMB Case No. R-7100.

*USAirways/America West Airlines*, 33 NMB 375, 377 (2006). Stock Clerks continue to be included within the same collective bargaining agreement as the Mechanics and Related Employees at US Airways.

### *Material Planners/Logistic Specialists*

According to the declaration of Craig Harry, the Managing Director, Technical Operations Supply Chain at the New American, there are four categories of Material Planners at US Airways: ATA Material Planners, Base Material Planners, Material Control Unit, and AOG Material Planners. ATA Material Planners use software applications to forecast and manage optimal inventory levels. Harry states that the ATA Material Planners primarily interact with the Engineering, Configuration Control, Vendor Administration/Supplier Management, and Purchasing Departments. Base Material Planners work with Stores and Base Maintenance Personnel to determine necessary parts for ongoing or scheduled heavy maintenance. Material Control Unit employees support daily line aircraft RON (remains overnight) maintenance. The IAM contract states that the duties of a Material Controller include controlling and tracking AOG material movement, maintaining records on commitments, allocations and tracking of replenishment of rotatable components and shipment of line maintenance materials, and maintaining paperwork and control records of borrowed parts and equipment. AOG Planners deal directly with daily needs for aircraft out of service and in need of parts, and work directly with Line and Base Maintenance and Stores to control and track AOG material movement within the system.

At American, Harry states that the positions in the Stock and Stores craft or class includes Material Logistic Specialists, Material Logistic Specialist Crew Chiefs, and Material Logistic Specialist Technical Crew Chiefs. The Material Logistic Specialists physically handle stock material and maintain the records to show the physical location and level of material available. The Material Logistic Specialist Crew Chiefs act in a supervisory capacity and the Material Logistic Specialist Technical Crew Chiefs provide technical training.

According to Harry, there are three positions related to Material Planning that are currently unrepresented. The Inventory Management Planners (Demand Planners) are tasked with analyzing and forecasting worldwide supply and demand for aircraft spare parts to meet overall financial and operational goals. They evaluate risks and create and implement contingency plans to mitigate those risks. Demand Planners work with Engineering, Purchasing, and Strategic Project Planning Departments. The Inventory Management Planners (Supply Planners) are responsible for parts procurement and handling

daily supply chain responsibilities. Harry states that they work closely with Stores, Line and Base Maintenance, and AOG Departments to determine the necessary parts and supplies for in-service aircraft. Finally, AOG Planners perform similar tasks to that of Supply Planners but for out-of-service aircraft. They obtain supplies and ship them within the system on a time-critical basis.

In *National Airlines*, 1 NMB 423, 427 (1947), the Board determined that the function of Stock and Stores employees was to “receive, store, issue, and maintain written records pertaining to equipment supplies, materials, merchandise, and parts in a stockroom or storeroom.” The Board has also held that employees engaged in inventory planning functions including “surveying and considering means and methods for improving the handling of materials and supplies with the view of increasing the inventory turnover ratio, simplifying the methods of handling supplies and find the source of supply most adaptable to the company’s policy” are not included in the Stock and Stores craft or class.

As noted above, American’s Material Logistic Specialists, Material Logistic Specialist Crew Chiefs, and Material Logistic Specialist Technical Crew Chiefs are included in the Stock and Stores craft or class. Based on the evidence submitted, the US Airways Base Material Planners, Material Control Unit, and AOG Material Planners and the American Supply Planners and AOG Planners have primary responsibilities in parts procurement and daily supply chain responsibilities. The US Airways ATA Material Planners and the American Demand Planners perform inventory analysis and the Board has found previously found this work to be part of the Stock and Stores craft or class. *US Airways*, 28 NMB 104 (2000).

## CONCLUSION

The Board finds that American and US Airways are operating as a single transportation system for representation purposes under the RLA. With regard to the craft or class issues, for the reasons discussed above, the Board finds that the positions of QAC, CASS Auditor, QA Auditor, Maintenance Planner – A/C, Planner – Bill of Work, Planner-Workload Planning, Technical Document Specialist, Technical Editor, Technical Crew Chief, Maintenance Training Specialist, Maintenance Control Technician, Technical Specialist, Simulator Technicians and Simulator Engineers are properly included in the Mechanics and Related Employees craft or class at the New American. The Board also finds that Central Load Planners, Weight and Balance Planners, Tower Planners and Operations/Tower Planners are properly placed in the Fleet Service Employees craft or class at the New American. Finally, the Board finds that a separate craft or class of Stock and Stores Employees is appropriate at

the New American and includes the positions of Material Logistic Specialists, Material Logistic Specialist Crew Chiefs, Material Logistic Specialist Technical Crew Chiefs, Base Material Planner, Material Control Unit, AOG Material Planner, Supply Planner, AOG Planner, ATA Material Planner and Demand Planner.

Accordingly, the applications filed by TWU and IAM in NMB File No. CR-7131 are converted to NMB Case No. R-7422 (Mechanics and Related Employees/Airline Mechanic and Related Employees Association TWU/IAM); NMB Case No. R-7423 (Fleet Service Employees/Airline Fleet Service Employee Association TWU/IAM); and NMB Case No. R-7424 (Stock and Stores Employees/ Airline Stores Employees Association TWU/IAM). Pursuant to Manual Section 19.6, the investigation will proceed to address the representation of these crafts or classes. Any Intervenor has 30 days from the date of this determination to file an application supported by a showing of interest of at least 50 percent of the single transportation system in accordance with Manual Sections 19.601 and 19.603. 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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Member Geale, concurring in part and dissenting in part.

I write separately for several reasons but primarily because the majority's decision inappropriately places Simulator Technicians/Engineers into the

Mechanics and Related craft or class in dereliction of recent Board precedent. In doing so, the majority appears to rely on extraneous duties and ignore evidence that demonstrates a complete lack of connection to the Mechanics and Related craft or class as well as overriding the democratic rights of the Simulator Technicians/Engineers. Further, I disagree with placing ATA Material Planners on US Airways and the Demand Planners on American Airlines in the Stock and Stores craft or class as the majority again ignores Board precedent in making this decision. I otherwise agree generally with the determination that American is a single carrier for purposes of the Mechanics and Related, Fleet Service, and Stock and Stores crafts or classes, and the other assignments of work groups made by the majority.

### *Flight Simulator Technicians/Flight Simulator Engineers*

#### A. The Majority Members Ignore Their Own Recent Decisions

The majority in this case is substantially departing from its own recent precedent that Simulator Technicians/Engineers are generally a separate craft or class. Indeed, it is somewhat ironic that although I was not a Board Member at the time, I am the only one following the recent precedents. See, e.g., *United Air Lines/Continental Airlines*, 40 NMB 93 (2013); *Northwest Airlines, Inc./Delta Airlines, Inc.*, 37 NMB 88 (2009). Here, the merging carriers have different patterns of representation for employees with flight simulation duties,<sup>3</sup> and this was also the case in the Board's recent decisions. In *United*, the Board stated that, because there were different practices at the merging carriers, it was looking toward its own recent practice of recognizing a stand-alone craft or class of simulator technician employees. *Id.* at 106. The rationale for this trend was explained in the *Delta* decision and remains relevant:

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.

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<sup>3</sup> Flight Simulator Technicians at American are members of the Mechanics and Related Employees craft or class. Flight Simulator Engineers are a separate craft or class at US Airways. Both groups are represented by TWU on each side of the merger.

*Delta, above*, at 111.

The Board has long held that the functional interrelationship between an airline's mechanics and employees performing related maintenance operations of aircraft, equipment and hangars defines the Mechanics and Related Employees craft or class. *United Airlines*, 6 NMB 134 (1977). As the flight simulator technology has changed, the duties of the Simulator Technicians/Engineers have also evolved. Further, the requirements to be a Simulator Technician have evolved. Specifically, on American the requirement is to have three years of experience in simulator technology according to the position description provided. Additionally, the Simulator Technicians need a degree in computer science, mathematics, electronics, or electrical engineering as well as knowledge of mainframes, mini, and personal computers, and experience in programming languages such as Assembly, Fortran, C, and Pascal.

Flight Simulator Technicians/Engineers in the instant case, appear to have little contact or interaction with mechanics based on the record provided. According to Christopher Broom, Director of Flight Training Administration at the New American, mechanics sometimes train in the flight simulators when the Flight Simulator Technicians/Engineers are present but, otherwise, they work in completely separate physical locations. Flight Simulator Technicians/Engineers and mechanics generally do not attend training together. Unlike mechanics, Flight Simulator Technicians/Engineers are not required to maintain any technical licenses. Similarly, Flight Simulator Technicians/Engineers are given much more autonomy to perform their job task, while Mechanics, according to their position descriptions, are generally following an instruction manual on the troubleshooting process and display little autonomy in how the job progresses past what the vendor recommends. As a result, just as was the case with Delta and United, the functional connection between the Simulator Technicians/Engineers and the Mechanics and Related Employees craft or class really no longer exists, and there is no community of interests between Flight Simulator Technicians/Engineers and Mechanics.

## B. The Majority's Attempt to Distinguish Is Unpersuasive

### 1. The History of Representation Actually Supports Separation

The majority relies on the history of including Flight Simulator Technicians in the Mechanics and Related craft or class on American and cites

concerns about fragmentation to support its decision. However, the majority effectively ignores the historical and current preferences on the American side as well as the current separate craft or class status of the US Airways Simulator Technicians including longstanding “fragmentation” that has been allowed.<sup>4</sup>

American Simulator Technicians are part of the Mechanics and Related craft or class not because they ever voted in a secret ballot election or otherwise consciously chose to be but because American voluntarily recognized the union and the Simulator Technicians were added by fiat. In fact, the one time the American Simulator Technicians actually voted, they chose to opt out of Mechanics and Related and not be represented. Furthermore, a large number of American Simulator Technicians recently sought an election for their own separate and independent representative. In comparison, the US Airways Simulator Technicians actually had an election and voted for representation as a separate craft or class – which is another precedent and fact blithely ignored by the majority. Thus, the democratic choice of this employee group every time they have expressed themselves has been to be separate from Mechanics and Related.<sup>5</sup> Given that one of our directives under the RLA is to maintain and respect freedom of association decisions made by employees, the majority decision does a disservice to that agency mission.

The majority’s suggestion that its decision is based on a policy of avoiding fragmentation is equally unpersuasive and unsupported. The US Air Simulator Technicians have miraculously been able to maintain a stable bargaining relationship with their carrier since they were recognized as a separate craft or class in 1980 – 35 years ago. Given that the US Air management largely took over as leadership for the New American, it is bizarre

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<sup>4</sup> The history of bargaining while relevant is never controlling for a craft or class determination by the NMB. That is, the parties cannot circumvent NMB discretion in making craft or class decisions by establishing inappropriate crafts or classes through bargaining history and that is longstanding precedent. *See, e.g., Union Pacific*, 28 NMB 187, 199 (2000) (“However, the Board does not base craft or class determinations solely on historical patterns of representation and has found that ‘collective bargaining history alone is an insufficient basis for finding a craft or class to be appropriate.’” (quoting *Northwest Airlines, Inc.*, 14 NMB 173, 179 (1987))).

<sup>5</sup> It is also relevant to point out that the last time the Board reviewed the crafts and classes at American somewhat comprehensively was in the context of the merger/acquisition of TWA. Given the tenuous financial status of TWA at the time, it is unlikely the Board would have spent much time or effort looking into the merits of each of the craft or class designations by the two carriers.

to suggest that unstable labor relations would result from allowing Simulator Technicians and New American management to continue to bargain as they have for 35 years.

## 2. The Majority Cites Out-of-Context Provisions from the Position Description to Support Their Conclusion

The majority relies substantially on the fact that these employees “when assigned...perform maintenance of audiovisual equipment” and a recent job posting noting that they also maintain some “baggage x-ray equipment.” The majority also makes reference to the fact in the position description that these employees have duties primarily related to “maintenance of equipment” and that there are separate work sections that involve “audio visual or technical support.” This is very thin reasoning for purposes of ignoring two recent precedential decisions.

First, in comparing the positions on the New American to those in *United* specifically, it is almost impossible to distinguish them. At United, Simulator Engineers performed corrective and preventative maintenance on the flight simulators, trained other employees about maintenance regulations, and performed maintenance work on the devices that are used in connection with emergency procedures training for flight attendants and pilots, including cabin doors and emergency exit doors. Simulator Technicians and Mechanics on United have different maintenance procedures and testing equipment, different training, work in different places, and have different organizational and reporting structures. On Continental, Simulator Technicians worked in different locations, had different reporting structures and very few Simulator Technicians came from the ranks of the Continental aircraft technicians. The exact same characteristics, among others, are all shared by the American Simulator Technicians: different training, different management, different procedures, different testing equipment, work in different places, and have different or no licensing requirements. A comparison of Delta and Northwestern Simulator Technicians or equivalents would show a similar level of overlap and congruity.

Second, the majority’s long quotation of part of the position description and reliance on the use of the phrase “when assigned” to differentiate is totally misplaced. The first part of the position description, which the majority does not quote, requires the Simulator Technicians to “possess practical and theoretical knowledge required in the simulator environment. . . . proficiency in



analog/digital theorems and techniques at a level to include some design capabilities, system concepts on computer systems, linkage, data storage devices and peripheral equipment, proficiency in software language manipulation . . . .” Other essential job functions include “Understanding the basic concepts of math, physics and aeronautical systems and engineering”, “Ability to find small cracks on printed circuit boards”, “communicate with instructors concerning problem areas”, and “communicate with instructors and peers.” When read in conjunction with the predicate summary, the phrase “when assigned” in a subsequent paragraph clearly means that any thereafter enumerated duties compose a possible portion of overall assignments but are inherently much less significant – or they would be listed as core duties.<sup>6</sup>

As the Board has long recognized, the community of interest relates to the fact that **all** members of the craft or class are “engaged in performing the same general function – maintenance of the airline, whether it be maintenance of aircraft, of buildings, or of equipment.” *United Airlines & Seaboard World Airlines, Inc.*, 4 NMB 54, 64 (1965). Indeed, the Board has historically relied upon “principal” duties and “[t]he fact that certain supplemental duties are performed by these employees does not overcome the readily distinguishable nature of their primary responsibilities.” *United Airlines*, 6 NMB 134, 143 (1977); *see also Pittsburgh & Ohio Valley Railway Co.*, 20 NMB 478 (1993) (an employee regularly performing other duties “as assigned” outside of his craft or class did not convert him to the separate craft or class). Accordingly, craft or class determinations should not be based upon “when assigned” duties amounting to a small percent of overall functions.

The duties of the two crafts or classes are starkly different as the Board has stated: “More significant is the consideration that the principal duties of the affected [Flight Simulator Technician/Engineers] are quite distinguishable from what could arguably be denominated Mechanics/Related duties.” *United Airlines*, 6 NMB at 141 (Flight Simulator Technician/Engineers replaced the original Ramp Servicemen). Flight Simulator Technician/Engineers are principally responsible for the facilitation of the training equipment pilots and flight crew use to learn the safe operation of the airplane during normal and emergency situation. A Flight Simulator Technician/Engineer may be asked to repair some audio/visual equipment because they inherently work on

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<sup>6</sup> The record includes no description of the amount of time Simulator Technicians/Engineers spend on these supplemental duties. Given the language in the position description relied upon; however, they are clearly not substantial daily duties. Perhaps, only a few individuals at any one time are performing those functions.

audio/visual equipment as part of operating the flight simulator. However, Simulator Technicians are not going to be asked to repair a cargo door on an airplane or hangar, and a mechanic will not be asked to operate a simulator or program a new simulation. In essence, if the majority continues to apply this holding, a carrier could void entire crafts or classes by allowing employees to perform a little maintenance within the scope of their knowledge (or touch anything besides a simulator while working as a flight simulator technician as in this case).

Third, the majority also erroneously cites the mere phrase “maintenance of equipment” in the Simulator Technician/Engineers position description as a basis for placing them in the Mechanics and Related craft or class. The Board actually has historically found such arguments appropriately specious because “[t]he use of a telephone does not per se make the user a communications employee.” See *American Airlines*, 3 NMB 49, 53 (1959). The maintenance function that ties the Related employees to the Mechanics is not simply maintenance of any type of equipment but the “maintenance of airplanes and the maintenance of mobile ground equipment or of fixed facilities.” *Eastern Airlines*, 4 NMB 54, 63 (1965). Indeed, if the majority’s position is controlling, then many other crafts or classes probably should be added into the Mechanics and Related craft or class because it seems likely the word “maintenance” will be found in some part of their position description.

### 3. Actual Evidence Shows How Separate Simulator Technicians/Engineers are From Mechanics

The Board’s investigation of an interference claim with regards to Simulator Technicians, Instructors and Flight Dispatchers also shows clear evidence of the differentiation of Simulator Technicians from the Mechanics and Related craft or class.<sup>7</sup> NMB investigators interviewed ten Simulator Technicians and each had worked at American and as part of Local 541 (which represents Sim Techs and Instructors) for 35, 25, 25, 28, 25, 23, 24, 26, 23, and 28 years respectively. None mentioned separate careers other than being Simulator Technicians although two currently worked in information technology supporting the Simulator Technicians group.

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<sup>7</sup> A separate decision involving the other two of those crafts or classes and the interference issue will be published contemporaneously with or just after this decision is published.

While it is possible some may have worked in the Mechanics and Related craft or class before their current career, the interviews also showed that the vast majority of these employees had trained to be Simulator Technicians in the military and came straight to the Simulator Technician craft or class at American and remained there. Furthermore, given that they joined Local 541 when they started working at American, which does not have members from the Mechanics and Related craft or class, it would be unlikely for them to ever have worked in the Mechanics and Related craft or class. As such, in the real world, Simulator Technicians/Engineers come to American from a separate pool of candidates, join a different Local, have different skills, have different education requirements, and have little or no career overlap with anyone in the Mechanics and Related craft or class.

#### *Improper Addition to Stock and Stores Class or Craft*

The majority also improperly chose to add ATA Material Planners on US Airways and the Demand Planners on American Airlines to the Stock and Stores craft or class. These employees perform a “strategic inventory planning” role that is distinct from the physical maintenance of inventory and the maintenance of records related to that inventory that the Board has traditionally recognized as the function of Stock and Stores employees.

The duties of the ATA Material Planner include utilizing internal and external software applications to forecast and manage optimal inventory levels, maintaining expendable, repairable and rotatable inventories at system and station levels, maintaining inventory investment within operating goals, IPC research and new part number setup, managing material requirements for aircraft and component modifications programs, assisting and training new planners. The qualifications include experience in inventory management/supply chain operations, and effective organizational and planning skills. None of which suggests they should be added to Stock and Stores craft or class but actually argues against it.

In *American Airlines*, 3 NMB 20 (1955), the Board found that inventory planning section employees were not part of Stock and Stores because while these employees utilize similar information as the Stock and Stores employees, their focus is surveying and analyzing the means and methods of improving the handling of materials and supplies to simplify “the methods of handling supplies and finding the source of supply most adaptable to the company’s policy.” 3 NMB at 23-24. The Board also found that the fact that these

employees needed stock records to perform their duties did not place them in Stock and Stores. The Board noted that “an airline agent maintains information as to the weather conditions, so does the dispatcher and the pilot. The source of this information is the same; that is from the meteorologist. But the agent, the pilot and the dispatcher use the same basic information for different purposes and it cannot be argued that the three are meteorologists.” Accordingly, I again object that the Board is ignoring precedent by placing these employees into the Stock and Stores craft or class.

### *Public Policy Concerns*

The unfortunate result of these types of contortions by the majority is an uneven playing field with different work groups on one carrier than the others and an ever larger and more amorphous craft or class that may be difficult to bargain effectively. Indeed, many smaller groups with potentially divergent interests, including many that had previously been separate crafts or classes or unrepresented on these two carriers, will now be part of one of the largest employee groups in the industry. The larger size of the craft or class also means that freedom of association rights may be very limited for component groups, including the Simulator Technicians/Engineers who have recently signed cards to obtain an election to potentially replace their representative with an independent union. These smaller groups will inherently have a limited ability to influence labor organization leadership or bargaining priorities and once they become part of the Mechanics and Related, the ability to meet the showing of interest requirements for an election becomes almost impossible for a small dissident group.

As such, I suggest the Board may want to consider whether there could be a more democratic process, including possibly a secret ballot election, when there is a merger that causes substantial changes in bargaining rights and representation for smaller work groups -- particularly for those employees who were previously unrepresented or represented by a different union as part of a separate craft or class. See *Frontier Airlines*, 41 NMB 202 (2014) (Member Geale concurring) (discussing in part that the Board should revisit an accretion process that does not require a secret ballot election).

### *Conclusion*

As discussed above, I cannot support the majority’s determination as to Simulator Technicians/Engineers because it ignores precedent, is unsupported by the actual evidence, and improperly overrides the free association rights of

the employees. I also believe the Board is ignoring precedent by placing ATA Material Planners on US Airways and the Demand Planners on American Airlines in the Stock and Stores craft or class. Accordingly, I respectfully dissent as to these issues but otherwise support the majority's decision.