



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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In the Matter of the  
Application of the

AIRCRAFT MECHANICS  
FRATERNAL ASSOCIATION

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

involving employees of

UNITED AIR LINES, INC.

32 NMB No. 3

CASE NO. R-7029  
(File No. CR-6863)

FINDINGS UPON  
INVESTIGATION-  
DISMISSAL

October 8, 2004

This determination addresses the application of the Aircraft Mechanics Fraternal Association (AMFA or Organization) alleging a representative dispute pursuant to the Railway Labor Act<sup>1</sup> (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among Ramp Servicemen and Lead Ramp Servicemen who preponderantly or exclusively perform fueling functions (Fuel RSMs) at United Air Lines, Inc. (United or Carrier). AMFA is the certified representative of the Mechanics and Related Employees on United. (NMB Case No. R-6933). AMFA asserts that the Fuel RSMs are part of the Mechanics and Related Employees craft or class. The International Association of Machinists and Aerospace Workers, AFL-CIO (IAM) is the certified representative of the Fleet Service Employees craft or class on United. (NMB Case No. R-4761).

For the reasons set forth below, the National Mediation Board (Board or NMB) finds that United's Fuel RSMs are covered by AMFA's certification. Accordingly, the Board dismisses the application.

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

PROCEDURAL BACKGROUND

On August 24, 2004, AMFA filed an application for an accretion of the Fuel RSMs to the Mechanics and Related Employees craft or class at United. This application was assigned NMB File No. CR-6863 and Benetta M. Mansfield was assigned as the Investigator.

AMFA submitted its initial position statement on September 8, 2004, and United submitted its initial position statement on September 9, 2004.

On September 16, 2004, Cristina A. Bonaca was reassigned as the Investigator in this case.

IAM received an extension and filed its position statement on September 20, 2004.

ISSUE

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

CONTENTIONS

AMFA

AMFA states that since its certification as the exclusive bargaining representative of the Mechanics and Related Employees at United, the Carrier has refused to treat with it as the collective bargaining representative of the Fuel RSMs. In addition, United has continued to apply the union security fees and dues paid by Fuel RSMs to the IAM.

AMFA also points out that when it invoked the services of the Board to investigate and determine who may represent the craft or class of Mechanics and Related Employees at United, the Carrier included Fuel RSMs on the List of Potential Eligible Voters. None of the participants contested the inclusion of the Fuel RSMs and they were eligible to participate in the election.

Further, AMFA contends that the Board has specifically ruled that United employees who preponderantly or exclusively perform fueling functions are part of the Mechanics and Related Employees craft or class.

AMFA requests that the Board “confirm the continued applicability of decades-old Board precedent that employees who exclusively or preponderantly perform fueling functions are part of the Mechanics and Related Employees craft or class.”

UNITED

United asserts that its Fuel RSMs are not part of the Mechanics and Related Employees craft or class. Instead, the Carrier argues that the Fuel RSMs are properly part of the Fleet Service Employees craft or class represented by the IAM, along with all Ramp Servicemen and Lead Ramp Servicemen.

United argues that the NMB’s certification of AMFA as the exclusive representative of the Mechanics and Related Employees did not “address in any way the status of RSMs who predominantly perform fueling functions, much less specifically hold that those employees share a community of interest with and are part of the Mechanics and Related craft or class.” In addition, the Carrier asserts that there is NMB precedent finding fueling employees properly in the Fleet Service Employees craft or class.

United requests the Board to issue a definitive determination concerning the craft or class placement of the Fuel RSMs, keeping in mind the goal of fostering stable labor relations.

IAM

IAM urges the Board to deny AMFA’s accretion application. First, IAM argues that AMFA has “consistently” taken the position that Fuel RSMs are properly and “have historically been included” in the Fleet Service Employees craft

or class. In addition, IAM alleges that AMFA is seeking a belated ruling from the Board on the status of Fuel RSMs by “filing what is essentially a bogus accretion application.” Further, IAM contends that any changes to the pre-existing collective bargaining agreements (CBAs) between United and its Mechanics and Related Employees and Fleet Service Employees, including modification of the employees covered or modification of the organization receiving dues, would be “subject to the ‘major dispute’ procedures of the Railway Labor Act.” Finally, IAM contends that any change to the “longstanding collective bargaining relationships at United would be contrary to the NMB’s guiding principles, and detrimental to the Carrier and its employees.”

#### FINDINGS OF LAW

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

I.

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

II.

AMFA and IAM are labor organizations and/or representatives as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

III.

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

## IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and shall designate who may participate as eligible voters in the event an election is required.

DISCUSSIONI. Background

In 1945, the Board certified the IAM to represent the Mechanics and Related Employees at United. *United Air Lines*, NMB Case No. R-1376 (1945) (not reported in Board volumes); *see also United Airlines, Inc.*, 6 NMB 134, 144 (1977) (Board found Fuelers properly part of the Mechanics and Related Employees craft or class, but found Ramp Servicemen were not). In 1978, the IAM also became the certified representative of the Fleet Service Employees craft or class at United -- having been voluntarily recognized for a number of years prior. *United Airlines, Inc.*, 6 NMB 536 (1978). That same year, the NMB found that United's Fleet Service Employees craft or class included Ramp Servicemen and Lead Ramp Servicemen. *United Airlines, Inc.*, 6 NMB 464, 470 (1978). During the early 1980's, IAM and United agreed to eliminate the separate fueler classifications (which were previously part of the Mechanics and Related Employees craft or class) and to integrate the fueling functions with the Ramp Servicemen and Lead Ramp Servicemen in the Fleet Service Employees craft or class. *United Air Lines*, 22 NMB 12, 22 (1994). Since that time, Fuel RSMs have been under the United-IAM Ramp and Stores CBA.<sup>2</sup> However, in 2001, the Board held that all Fuel RSMs were part of the Mechanics and Related Employees craft or class -- a position that both IAM and United advocated. *United Airlines, Inc.*, 28 NMB 533 (2001).

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<sup>2</sup> The Ramp and Stores CBA covers both the Fleet Service Employees and the Stock and Stores Employees crafts or classes at United.

On July 15, 2003, the Board certified AMFA as the exclusive collective bargaining representative of the craft or class of Mechanics and Related Employees at United. The Fuel RSMs were eligible voters in the election which resulted in AMFA's certification. *United Airlines, Inc.*, 30 NMB 427 (2003). On September 18, 2003, AMFA commenced an action against United in the United States District Court for the Northern District of California, to compel United to treat with AMFA as the collective bargaining representative of the Fuel RSMs. On May 10, 2004, the parties agreed to a stay in order for AMFA to submit to the Board the issue of "whether the NMB's 2003 certification of AMFA as the collective bargaining representative of the craft or class of Mechanics and Related Employees at United includes the . . . (Fuel RSMs) who preponderantly or exclusively perform fueling functions at United."

In response to AMFA's July 6, 2004 letter requesting the Board to issue a definitive ruling on the status of United's Fuel RSMs, Investigator Mansfield responded, on July 30, 2004, that the Board has a "long standing policy not to issue advisory opinions," and that the Organization should file an application seeking an accretion determination. In addition, the letter stated that "the evidence previously submitted attached to AMFA's submission will be accepted as support [for the showing of interest] for the application."

## II. Proper Craft or Class

In determining the proper craft or class for a group of employees, the Board considers a number of factors including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *United Parcel Serv. Co.*, 30 NMB 84 (2002); *Frontier Airlines, Inc.*, 29 NMB 28 (2001); *US Airways, Inc.*, 28 NMB 104 (2000). It is particularly important that the employees share a work-related community of interest. *Continental Airlines, Inc./Continental Express, Inc.*, 26 NMB 143 (1999); *LSG Lufthansa Servs., Inc.*, 25 NMB 96 (1997); *Airborne Express, Inc.*, 9 NMB 115 (1981). The Board makes craft or class

determinations on a case by case basis, relying upon Board policy and precedent. *US Airways, above*; *USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988).

The Board has examined the proper scope of the craft or class of Mechanics and Related Employees in numerous decisions. *US Airways, Inc.*, 31 NMB 324 (2004); *AirTran Airways, Inc.*, 31 NMB 45 (2003); *United Parcel Serv. Co.*, 27 NMB 3 (1999). In *United Airlines, Inc.*, 6 NMB 134, 135 (1977), the Board, quoting *National Airlines, Inc.*, 1 NMB 423, 428-29 (1947), described the composition of the Mechanics and Related Employees:

- A. Mechanics who perform maintenance work on aircraft, engine, radio or accessory equipment.
- B. Ground service personnel who perform work generally described as follows: Washing and cleaning airplane, engine, and accessory parts in overhaul shops; **fueling of aircraft and ground equipment**; maintenance of ground and ramp equipment; maintenance of buildings, hangars, and related equipment; cleaning and maintaining the interior and exterior of aircraft; servicing and control of cabin service equipment; air conditioning of aircraft; cleaning of airport hangars, buildings, hangar and ramp equipment.
- C. Plant maintenance personnel including employees who perform work consisting of repairs, alterations, additions to and maintenance of buildings, hangars, and the repair, maintenance and operation of related equipment including automatic equipment.

(Emphasis added).

“The related employees . . . while of different skill levels from the mechanics, nonetheless are closely related to them in

that they are engaged in a common function – the maintenance function . . . .” *Eastern Air Lines, Inc.*, 4 NMB 54, 63 (1965). It is this “functional” connection between mechanic classifications and those employees performing related maintenance operations that has historically formed a basis for their identity as a single craft or class. *Id.*; see also *Federal Express Corp.*, 20 NMB 360 (1993).

### III. Proper Craft or Class for Fuel RSMs

The Board has rarely found fueling employees to be properly in the Fleet Service Employees craft or class, and only in instances of a small carrier where employees have many overlapping duties in addition to fueling. See *Aloha IslandAir, Inc.*, 25 NMB 444, 448-49 (1998) (Board upheld an eligibility ruling finding fuelers part of the Fleet and Passenger Service Employees craft or class, stating: “Fueling functions [are] . . . among the duties performed by fleet service employees at smaller carrier stations.”).

Instead, the vast majority of Board decisions find fuelers and employees who predominantly or exclusively perform fueling functions properly in the Mechanics and Related Employees craft or class. In one of its earliest decisions, *American Airlines, Inc.*, 1 NMB 394, 402-403 (1945), the Board found that employees who perform “fueling of airport and ground equipment . . . . belong naturally with the mechanical or maintenance group, and should be included, with the airline mechanics, in one craft or class for representation purposes . . . .”

In *National Airlines, Inc.*, *above*, and reaffirmed in *United Airlines, Inc.*, *above*, the Board comprehensively defined the type of work performed in the Mechanics and Related Employees craft or class, and specifically included employees who perform fueling of aircraft and ground equipment. In the years since the *National Airlines, Inc.*, *above*, decision, the craft or class findings for Mechanics and Related Employees has not been seriously challenged. On the contrary, throughout the industry this grouping of employees constitutes the prevailing



pattern for representation in collective bargaining relationships between carriers and unions. See *Aircraft Serv. Int'l Group*, 31 NMB 508 (2004) (finding Fuelers properly in the Mechanics and Related Employees craft or class); *Henson Airlines*, 15 NMB 332, 335 (1988) (Board reversed an Investigator's eligibility ruling and found that Fuelers were properly part of the Mechanics and Related Employees craft or class: ". . . fueling is the type of work which . . . falls within the general responsibilities of Mechanics and Related Employees").

In addition, the Board has consistently ruled that United's Fuelers and Lead Fuelers, and later Fuel RSMs, were part of the Mechanics and Related Employees craft or class. See *United Airlines, Inc.*, 28 NMB 533, 534 (2001) (Board upheld an Investigator's eligibility ruling including "all Lead Ramp Servicemen and Ramp Servicemen who spend the majority of their workday performing the fueling function" in the Mechanics and Related Employees craft or class); *United Airlines, Inc.*, 6 NMB 134 (1977) (Fuelers found eligible to participate in the representation dispute in the Mechanics and Related Employees craft or class); *United Air Lines, Inc.*, 5 NMB 65 (1968) (Fuelers and Lead Fuelers found part of Mechanics and Related Employees and eligible to participate in the election); *Eastern Air Lines, Inc. and United Air Lines, Inc., and Seaboard World Airlines, Inc.*, 4 NMB 54 (1965) (Lead Fuelers and Fuelers found part of Mechanics and Related Employees). In *United Air Lines, Inc.*, 22 NMB 12, 27 (1994), the Board, in finding Fuel RSMs part of the Mechanics and Related Employees craft or class, stated:

[The] inclusion of Ramp Servicemen who preponderantly or exclusively perform fueling functions is not a departure from . . . [the Board's] previous determinations on United. In 1977, fueling work, defined as Mechanics and Related work, was performed by Fuelers and Lead Fuelers. These classifications no longer exist at United. This work is now performed by certain Ramp Servicemen, except at stations where it is performed by mechanics. Therefore, these

individuals for whom the carrier has provided documentary evidence demonstrating a preponderance of fueling work, will be considered part of the Mechanics and Related craft or class.

The fact that United's Fuel RSMs have been under the United-IAM Ramp and Stores CBA is not determinative. See *Galveston Wharves*, 4 NMB 200, 203 (1962) (private representation agreements which do not conform to the recognized craft or class lines cannot be relied upon to modify requirements of the statute). The Ramp Servicemen and Lead Ramp Servicemen who preponderantly or exclusively perform fueling functions at United are properly in the Mechanics and Related Employees craft or class. The substantial and controlling Board precedent supports the conclusion that employees who preponderantly perform fueling functions are Mechanics and Related Employees. *National Airlines, Inc.*, 1 NMB 423 (1947).

Based on the foregoing discussion, the Board finds that United's Fuel RSMs share a work-related community of interest with the craft or class of Mechanics and Related Employees.

#### IV. Accretion

The Board's broad discretion to determine the manner in which it conducts investigations in representation disputes was upheld conclusively in *Brotherhood of Ry. and S.S. Clerks v. Ass'n for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965). The Court held that in determining choice of employee representative, the RLA "leaves the details to the broad discretion of the Board with only the caveat that it 'insure' freedom from carrier interference." *Id.* at 668-669.

In *Ross Aviation, Inc.*, 22 NMB 89 (1994), the Board dismissed the Organization's application stating that an election was unnecessary because the employees at issue were already covered by Board certification. Since then, the Board has consistently followed this policy when it finds that particular job functions are traditionally performed by

members of a certified craft or class. *AirTran Airways, Inc.*, 31 NMB 45 (2003); *Frontier Airlines, Inc.*, 29 NMB 28 (2001); *US Airways, Inc.*, 28 NMB 104 (2000); *United Parcel Serv. Co.*, 27 NMB 3 (1999).

The Board does not base its accretion determinations upon showing of interest, but rather work-related community of interest. However, the Board requires all applications in representation matters to be supported by an adequate showing of interest. In this case, the Board investigated the showing of interest and determined that accretion is appropriate.

CONCLUSION

While the Board has the clear authority to determine the proper classification of United's Fuel RSMs, it does not have the authority to grant AMFA's request for injunctive relief and damages.

The Board finds that United's Fuel RSMs are covered by the certification in NMB Case No. R-6933. As there is no basis for further investigation, NMB File CR-6863 is converted to NMB Case No. R-7029 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.



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