



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the

INTERNATIONAL ASSOCIATION
OF MACHINISTS AND
AEROSPACE WORKERS

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

SOUTHWEST AIRLINES CO.

43 NMB No. 28

CASE NO. R-7460
(FILE NO. CR-7149)

FINDINGS UPON
INVESTIGATION-
DISMISSAL-
INSUFFICIENT
SHOWING OF
INTEREST

June 7, 2016

This determination addresses the application filed by the International Association of Machinists and Aerospace Workers (IAM) alleging a representation dispute pursuant to the Railway Labor Act¹ (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth), among “Crew Schedulers” at Southwest Airlines Co. (Southwest or Carrier).

For the reasons set forth below, the National Mediation Board (NMB or Board) concludes that the appropriate craft or class for the employees covered by the application is “Office Clerical Employees.”

PROCEDURAL BACKGROUND

On January 11, 2016, IAM filed an application alleging a representation dispute involving Crew Schedulers at Southwest. The application was assigned NMB File No. CR-7149 and Andres Yoder was assigned as the Investigator.

On February 8, 2016, Southwest submitted a List of Potential Eligible Voters, signature samples, and an initial position statement. On February 24,

¹ 45 U.S.C. § 151, *et seq.*

2016, IAM submitted a response to Southwest's initial position statement. On March 9, 2016, Southwest submitted a reply to IAM's response.

Investigator Yoder requested additional information from Southwest on March 22, 2016. Southwest filed the requested information on April 5, 2016, and filed a revised version of that information on April 14, 2016.

ISSUES

What is the appropriate craft or class for the employees covered by the application? What are the representation consequences of that craft or class determination?

CONTENTIONS

Southwest

Southwest argues that the appropriate craft or class for the employees covered by the application is Office Clerical Employees.

IAM

IAM asserts that the appropriate craft or class for the employees covered by the application is Crew Schedulers.

FINDINGS OF LAW

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

I.

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

II.

IAM is a labor organization and/or representative as defined in 45 U.S.C. § 151, Sixth, and § 152, Ninth.

III.

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

IV.

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

STATEMENT OF FACTS

Southwest breaks Crew Schedulers up into two departments, depending on whether they work with Flight Attendants or Pilots. Crew Schedulers who work with Flight Attendants are in a department called “Inflight Services,” and Crew Schedulers who work with Pilots are in a department called “Flight Operations.”

The Crew Scheduler position covers five job titles. The first job title is **Crew Scheduler I**. At both Inflight Services and Flight Operations, the general purpose of the Crew Scheduler I position is to ensure “all Southwest Airlines flights and duties are staffed in compliance with [the Carrier’s internal], contractual and regulatory requirements.”

The second Crew Scheduler job title is **Crew Scheduler II**. At Inflight Services, Crew Scheduler IIs are required to be proficient at the Crew Scheduler I job “and/or” complete a probationary period. At Flight Operations, Crew Scheduler IIs must both be proficient at the Crew Scheduler I job and complete a probationary period.

The third Crew Scheduler job title is **Crew Scheduler III**. At Inflight Services, Crew Scheduler IIIs are required to demonstrate advanced proficiency in the Crew Scheduler II job. At Flight Operations, Crew Scheduler IIIs must be able to “[a]ssure all ... flights are staffed in compliance with [the Carrier’s internal], contractual and regulatory requirements.” They must “[d]emonstrate advanced knowledge of [relevant regulations] and pilot contractual rules, pay calculations and the use of scheduling related computer systems.” They must also “work reroute” with minimal assistance, and coordinate with their

“Supervisor/Senior [Crew] Scheduler to ensure completion of daily and monthly checklists.” And they must be able to train others.

The fourth Crew Scheduler job title is **Senior Crew Scheduler**. At Inflight Services, Senior Crew Schedulers are required to be proficient at the Crew Scheduler III job, to assist their supervisor, and to fill in for their supervisor as needed. At Flight Operations, Senior Crew Schedulers must be able to “[a]ssure all ... flights are staffed in compliance with [the Carrier’s internal], contractual and regulatory requirements.” They must “[d]emonstrate advanced knowledge of [relevant regulations] and pilot contractual rules, pay calculations and the use of scheduling related computer systems.” They must also “[m]aintain a high degree of proficiency at reroute and irregular operations.” And they must assist in training new schedulers, and fill in for their supervisor as needed.

The last of the five Crew Scheduler job titles is **Scheduling Lead Router**, a job only Inflight Services has. The general purpose of the position is to mentor and train others, and to serve as a liaison to a department called “Dispatch.” They are also required to “have strong overall business perspective and have a broad understanding of the Inflight Scheduling Re-route Operation as they related to the business needs.” Finally, they are required to “have strong communication skills, both written and verbal.”

In 1998, the Board determined that Crew Schedulers at Southwest were part of the Office Clerical Employees craft or class. *Southwest Airlines, Inc.*, 26 NMB 1 (1998). Since then, however, certain aspects of the Crew Scheduler position have changed. Relevant changes are noted below.

Functional Integration

Crew Schedulers primarily interact with Flight Attendants and Pilots. Specifically, Crew Schedulers at Inflight Services schedule Flight Attendants for particular flights, inform them of changes to their schedules, and take calls from them. Crew Schedulers at Flight Operations provide the same services to Pilots. Neither Flight Attendants nor Pilots perform office clerical work.

Crew Schedulers also have less frequent interactions with other non-office clerical employees, like Dispatchers, and with office clerical employees, like Payroll Clerks.

After 1998, Southwest organized itself so as to include its Inflight Services and Flight Operations departments in a larger group called "Air Operations." Southwest developed Air Operations to recognize the links between the Inflight Services, Flight Operations, and Dispatch departments. Although Inflight Services and Flight Operations have distinct reporting avenues, they both ultimately report to Craig Drew, Senior Vice President of Air Operations.

Terms and Conditions of Employment

Southwest's Crew Schedulers are on the same "pay grade structure" as many other office clerical employees, and they get the same benefits. In addition, Southwest applies the same internal transfer policy to Crew Schedulers that it applies to other employees who are not covered by a collective bargaining agreement. Southwest also tailors all training requirements and disciplinary practices to its employees' particular jobs and departments.

Crew Schedulers have non-traditional work schedules. Rather than working typical 40-hour workweeks, they are generally on duty for six days, then off duty for three. A portion of Southwest's office clerical employees also have non-traditional work schedules, such as Customer Service Coordinators.

Although Southwest introduced a new short-term disability plan after 1998, Southwest's new plan treats Crew Schedulers the same way it treats other employees who work non-traditional schedules and who are not covered by a collective bargaining agreement.

There are some differences between the Crew Schedulers' and office clerical employees' terms and conditions of employment. Crew Schedulers are required to report to work during weather emergencies, and can be required to remain on duty past their scheduled shift. Office clerical employees, by contrast, do not have similar requirements. In addition, Crew Schedulers do not have a formal lunch break, while office clerical employees do. And Crew Schedulers cannot earn compensatory time, while some office clerical employees can, like those in Payroll and Planning.

Work-Related Community of Interest

After 1998, Southwest moved its Crew Schedulers to a facility at its headquarters campus called the "Network Operations Center." Both office clerical employees like Crew Planners and non-office clerical employees like Maintenance Supervisors work there.

Moreover, even though Crew Schedulers have always primarily worked with Flight Attendants and Pilots, after 1998 Southwest adjusted their interactions with Dispatchers and Meteorologists. Southwest now assigns certain Crew Schedulers to advise Dispatchers on last-minute scheduling changes, and to attend Meteorologists' daily weather briefings. Meteorologists, like Dispatchers, do not perform office clerical work.

DISCUSSION

In determining the proper craft or class for a group of employees, the Board considers a number of factors, including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *See, e.g., US Airways*, 42 NMB 80, 100 (2015). According to Southwest, these factors show that Crew Schedulers are part of the Office Clerical Employees craft or class. According to IAM, on the other hand, these factors show that Crew Schedulers are a distinct craft or class.

Since the Board determined that Southwest's Crew Schedulers were part of the Office Clerical Employees craft or class in 1998, *Southwest Airlines, Inc.*, 26 NMB 1 (1998), some aspects of the job have changed.

In terms of functional integration, however, Crew Schedulers' main role has not changed since 1998. They continue to schedule Flight Attendants and Pilots for particular flights, to inform them of changes to their schedules, and to take calls from them. Although Southwest created the Air Operations group after 1998, the new group has not affected Crew Schedulers' functions.

The Board has never recognized the work classification of Crew Schedulers as an independent craft or class. Instead, when it has considered what the appropriate craft or class for Crew Schedulers is, the Board has placed them in the Office Clerical Employees craft or class. *See, e.g., Eastern Airlines*, 12 NMB 29, 36-37 (1984).²

² The Board took the Office Clerical Employees craft or class from a larger craft or class called "Office Clerical, Fleet, and Passenger Service." *See, e.g., TAN Airlines*, 6 NMB 393 (1978). However, the Board now presumes the larger craft or class is inappropriate. *British Airways*, 7 NMB 369, 387 (1980). Before the Board made that presumption, Crew Schedulers were part of the larger craft or class. *See, e.g., American Airlines*, 5 NMB 138 (1972).

Since 1998, there have been no significant changes to Crew Schedulers' terms and conditions of employment. Southwest's new disability plan does not affect Crew Schedulers differently than it affects other non-contract employees with non-traditional schedules. In addition, Crew Schedulers' terms and conditions of employment overlap with those of many other office clerical employees.

Finally, there have been some developments since 1998 as to Crew Schedulers' work-related community of interest. Crew Schedulers now work at the Network Operations Center, and certain Crew Schedulers now work directly with Dispatchers and attend weather briefings with Meteorologists. Yet despite these changes, Crew Schedulers' main responsibilities and interactions remain similar to what they were in 1998.

In addition to arguing that the factors listed in *US Airways, above*, point to a Crew Schedulers craft or class, IAM makes two additional arguments. First, IAM argues that the Board should recognize a Crew Schedulers craft or class because office clerical employees perform work that is "necessary to the internal functions of any organization[.]" while Crew Schedulers perform work that is unique to airlines.

Be that as it may, the Board has long held that the hallmark of an office clerical job is a "basic concern [for] the internal functioning of the carrier[.]" *China Airlines*, 6 NMB 434, 440 (1978). Because the Crew Schedulers in this case perform work that is necessary to the internal functioning of Southwest, their jobs fall within the traditional bounds of the Office Clerical Employees craft or class.

Second, IAM asserts that the Board should recognize a Crew Schedulers craft or class at Southwest because doing so would promote labor stability. According to IAM, many of the employees the Crew Schedulers interact with are represented as part of groups that share work-related communities of interest, and without a Crew Schedulers craft or class, the Crew Schedulers do not have an opportunity to be similarly represented.

The Board, however, makes its craft or class determinations on a carrier-by-carrier basis, in view of Board policy and precedent. *USAir*, 15 NMB 369, 392 (1988). "It is a long-standing Board policy not to fragment traditional employee crafts or classes into smaller sub-groups." *Eastern Air Lines*, 12 NMB 29, 34 (1984). Given the facts of this case, and given Board policy and precedent, the Board finds that Southwest's Crew Schedulers remain part of the Office Clerical Employees craft or class.

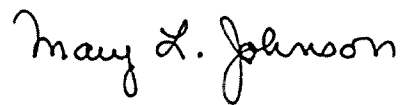
Showing of Interest

The Board has found that Southwest's Crew Schedulers are properly part of the Office Clerical Employees craft or class. Therefore, IAM needed to provide a 50 percent showing of interest for Southwest's 3,260 office clerical employees. 29 C.F.R. § 1206.2. IAM has failed to provide the required showing of interest.

CONCLUSION

IAM has failed to provide a sufficient showing of interest to authorize an election. Therefore, NMB File No. CR-7149 is converted to NMB Case No. R-7460 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.



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