



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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| <p>In the Matter of the Application of the</p> <p>TRANSPORT WORKERS UNION OF AMERICA</p> <p>alleging a representation dispute pursuant to Section 2, Ninth, of the Railway Labor Act, as amended</p> <p>involving employees of</p> <p>AMERICAN AIRLINES, INC.</p> | <p>30 NMB No. 7</p> <p>CASE NO. R-6915</p> <p>FILE NO. CR-6752 (File No. CR-6743)</p> <p>FINDINGS UPON INVESTIGATION- CERTIFICATION</p> <p>October 31, 2002</p> |
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This determination addresses the representation consequences of the application filed by the Transport Workers Union of America (TWU or Organization) for “Instructors”, employees of American Airlines, Inc. (American), and TWA Airlines, LLC (TWA-LLC) (collectively, Carrier).

The National Mediation Board (Board) finds that Instructors at American constitute a craft or class under the Railway Labor Act (RLA).

PROCEDURAL BACKGROUND

On December 13, 2001, TWU filed an application with the Board pursuant to the RLA, 45 U.S.C. § 152, Ninth (Section 2, Ninth), alleging a representation dispute involving the following individuals: Mechanics and Related Employees; Fleet Service Employees; Stock Clerks; Dispatchers; Simulator Technicians; Instructors; Technical Specialists; and Meteorologists of American

and TWA-LLC. TWU asserted that American and TWA-LLC constitute a single transportation system. The application was assigned NMB File No. CR-6743.

On March 27, 2002, the Board found that American and TWA-LLC operate as a single transportation system. The Board converted TWU's application to become the certified collective bargaining representative of Instructors in NMB File No. CR-6743 to NMB File No. CR-6752 (Instructors). Pursuant to the Board's Representation Manual (Manual) Section 19.6, an investigation was conducted to address the issue of the proper craft or class. As part of this investigation, the Board requested additional information from the Carrier. The Carrier provided this information on May 20, 2002, September 6, 2002, September 26, 2002, and October 2, 2002. The TWU provided the Board with a seniority list and evidence of dues authorizations on October 10 and 11, 2002, respectively.

Both American and TWU contend that a single craft or class of Instructors is appropriate in this case. On October 21, 2002, the Organization submitted a letter to the Board requesting certification based upon the dues check-off list submitted by the TWU, pursuant to Manual Sections 10.3 and 10.4 and *Dobbs Int'l Servs., Inc.*, 28 NMB 7 (2000). On October 29, 2002, the Carrier submitted a letter to the Board stating that the Carrier did not object to a certification "based on an examination of dues check-off authorizations."

STATEMENTS OF FACT

TWU seeks to become the certified collective bargaining representative of Instructors at American. In support of its application in NMB File No. CR-6743, TWU submitted portions of a current collective bargaining agreement for these employees. At TWA-LLC, Instructors were not represented by any labor organization. On the merged carrier, Instructors are subject to similar terms and conditions of employment.

TWU has been the voluntarily recognized representative of Instructors at American for approximately 30 years. Instructors have a collective bargaining agreement which is separate from other American/TWU agreements.

There are two different categories of Instructors at American: Ground School Instructors and Pilot Simulator Instructors. Both job titles are covered under the American/TWU Instructor collective bargaining agreement. Under this collective bargaining agreement, Ground School Instructors and Pilot Simulator Instructors have the same benefits and terms and conditions of employment. Ground School Instructor monthly pay ranges from \$3523-\$6214 and premium pay is \$125 per month. Pilot Simulator Instructor monthly pay ranges from \$3964-\$6991 and premium pay is \$177 per month. Both positions receive the same longevity pay.

Ground School Instructors provide formal and tutorial training for flight crews and certain maintenance personnel on aircraft systems, normal, abnormal and emergency procedures and equipment, navigation, aerodynamics, FAA Regulations and American Airlines' Policies and Procedures. This training is conducted in a classroom.

Pilot Simulator Instructors conduct the simulator phase of training for crew members. The training is conducted in a simulator.

All Ground School Instructor and Flight Simulator Pilot Instructor incumbents work at the American Airlines' Flight Academy in Fort Worth, TX. Both Ground School Instructors and Flight Simulator Pilot Instructors "interface directly" with flight simulators and audio visual machinery and computers. However, only the Flight Simulator Pilot Instructors put the simulators in motion.

The Carrier submitted a declaration by Captain Charles Brasher, Managing Director Flight Training/Standards for American. Brasher states that he occupies the senior

management position at American's Flight Academy which employs 800 individuals (including 198 Ground School Instructors and 112 Pilot Simulator Instructors). The Manager of Flight Training and Standards reports to Brasher and has line management authority over the Ground School Instructors and the Pilot Simulator Instructors. According to Brasher, "ground school supervisors for each aircraft type have 'dotted line' reporting relationships with the Fleet Standards Manager for that aircraft type. As a consequence of that relationship, there is total coordination between the functioning of the ground school and the pilot simulator instruction."

Both Ground School Instructors and Pilot Simulator Instructors receive the same longevity pay, are entitled to overtime based on the same schedule, receive the same vacation, holiday and sick leave benefits, receive the same furlough benefits, are covered under the same long term and short term disability plans, enjoy the same life insurance benefits, and are covered under the same pension plan. The Flight Academy is comprised of three buildings. Both instructor groups work in the same building at the Flight Academy, share the same cafeteria, break rooms, support staff, and instruction rooms. Both groups receive their office mail at the same location.

Ground School Instructors and Pilot Simulator Instructors work the same number of days per month based on bid lines constructed by fleet planners for each aircraft fleet type. Day-to-day schedule changes for each Instructor type are handled by the same group of fleet schedulers.

Ground School Instructors and Pilot Simulator Instructors communicate with each other on both an informal and formal basis. Generally, simulator instruction occurs after the pilot has completed the ground school portion of the required training curriculum. Informal communication occurs before the trainee enters the simulator phase of instruction. After completion of the simulator training, Pilot Simulator Instructors provide, on a formal basis, feedback to the ground school regarding areas

where the classroom instruction needs to be enhanced or modified to meet the overall training objectives.

Ground School Instructors and Pilot Simulator Instructors at American are combined on the same seniority list. Ground School Instructors and Pilot Simulator Instructors are able to move from one classification to the other, however, Ground School Instructors must possess the necessary pilot license and operating expertise requirements. On occasion, Pilot Simulator Instructors have transferred into Ground School Instructor function. The Carrier supplied evidence that such transfers have taken place.

Ground School Instructors

According to the position description provided by the Carrier, Ground School Instructors perform the following duties:

- Conducts instruction in a classroom, cockpit procedures trainer, simulator and aircraft for all flight crews in airplane systems; normal, abnormal and emergency procedures.
- Evaluates student progress each day and takes appropriate corrective action and/or makes referral.
- At the completion of training, gives oral examinations to those crewmembers who do not require a FAA oral examination to complete the course of instruction.
- Reviews revisions to all manuals and publications to insure the latest information is taught to student.
- Continually reviews and researches operation manual, maintenance manuals, ECO's fleet planning directives and other training related material to update teaching objectives, outlines and training aids.
- Reviews various engineering publications to incorporate equipment modifications.

- Conducts research on specialized maintenance problem areas to identify training needs.
- Prepares classroom facilities and assembles all required materials for each day's class.
- Completes required forms and records to assure proper documentation of training.
- Works with technical training support and program development personnel to develop upgrade and revise computer-based training and audio/visual training programs.
- Assists in the development of all training aids and materials.
- Maintains a working knowledge of all appropriate FAA directives to insure compliance in all areas of training.

Candidates for Ground School Instructor positions must satisfy the following prerequisites:

Must have served as an instructor in some technical phase of aviation related training for a period of not less than one year; or must have experience as a pilot, flight engineer, navigator or other flight crew member.

Candidates for selection as an International Ground School Instructor must satisfy the following prerequisites:

Must have served as an instructor in some technical phase of aviation related training for a period of not less than one year; or must hold a Commercial Pilot/Instrument Certificate or FAA Flight Navigator's Certificate, or have comparable Military Ratings(s).

Candidates for either position must possess the ability to read, write, fluently speak and understand the English language.

Flight Simulator Pilot Instructors

According to the position description provided by the Carrier, Flight Simulator Pilot Instructors perform the following duties:

- Conducts simulator phase of pilot flight instruction in compliance with AA regulations, policies, procedures and techniques.
- Ensures compliance with FAA and other applicable government requirements relating to training.
- Gives detailed briefings on all phases of flight simulator training.
- Obtains required training manuals, course materials and supplies as necessary to conduct assigned training syllabus.
- Completes required training records and reports.
- Determines and reports on student progress and proficiency.
- Provides specialized instructions and counseling of weak students.
- Makes suggestions through channels to enhance safety and efficiency.
- Assists in program development for all phases of flight instruction as directed by the appropriate fleet manager.
- Assists in training of other instructors as assigned.

The job requirements for Flight Simulator Pilot Instructors are as follows:

A candidate for selection as a Flight Simulator must possess an ATPC and have a minimum of 500 hours as a pilot in command or 2000 hours as second in command of a large multi-engine jet or turboprop aircraft, or 1000 hours as pilot in command of a high

performance single or multi-engine jet fighter type aircraft. Each candidate must also satisfy the following requirements:

- Must be evaluated and accepted by an instructor selection board made up of American Airlines Management Pilots.
- Prior to being considered a qualified instructor, the candidate must pass a captains simulator proficiency check. This check will be conducted by the Fleet Manager or a designated representative.
- After completion of instructor training, the candidate must demonstrate, to the satisfaction of the Fleet Manager or a designated representative, ability to instruct in the actual training program to which assigned.
- Ability to read, write, fluently speak and understand the English language.

DISCUSSION

The Board makes craft or class determinations based upon a work-related community of interest. *American Airlines, Inc.*, 26 NMB 106 (1998); *LSG Lufthansa Servs., Inc.*, 25 NMB 96 (1997). In determining the proper craft or class for employees, the Board is guided by Manual Section 5.1 which states:

Individual cases require consideration of facts peculiar to particular situations, but, in addition, there are general factors to be considered. They may include, among others, the composition and relative permanency of employee groupings along craft or class lines; the functions, duties, and responsibilities of the employees; the general nature of their work; and the extent of community of interest existing between job classifications.

The Board has considered several factors in determining the proper craft or class in training operations, including: actual duties and responsibilities of the employees; the nature and setup of the training operations; the work environment; the position retention qualifications; the employee interaction; and the role of major training equipment. *Continental Airlines, Inc./Continental Express, Inc.* 27 NMB 99 (1999); *United Airlines*, 9 NMB 266, 282-283 (1982).

In applying these criteria to Instructors at American, the Board finds that Ground School Instructors and Pilot Simulator Instructors share a work-related community of interest and are properly included in the Instructor craft or class. Both positions instruct on the ground, either in the classroom or in a simulator. Both positions work in the same location, sharing the same breakroom, cafeteria, instruction rooms, support staff and internal mail facilities. Both positions have been represented by the TWU under a single collective bargaining agreement for approximately 30 years and share substantially similar wages, benefits and terms and conditions of employment. There is significant formal and informal interaction between both job titles. There is significant interaction between the two functions in the organizational structure. Although Pilot Simulator Instructors must be licensed pilots and meet certain operational qualifications, over 10 percent of the current Pilot Simulator Instructors transferred to the position from the Ground School Instructor position.

CONCLUSION AND CERTIFICATION

The Board finds that the proper craft or class is Instructors at American. TWU's application to represent Instructors in NMB File No. CR-6743 (converted to NMB File No. CR-6752) is converted to NMB Case No. R-6915.

On the basis of the investigation, the collective bargaining agreement currently in place between the Carrier and the TWU for this craft or class, and dues authorizations, the Board finds the following:

Number of Employees
in the Craft or Class

Number of Employees on
Dues Check-Off

308

224

The Board therefore, finds that a majority of the craft or class has determined that the TWU shall be the representative of the craft or class of Instructors at American.

NOW THEREFORE, File No. CR-6752 is converted to NMB Case No. R-6915 and in accordance with Section 2, Ninth, of the Railway Labor Act, as amended and based upon its investigation, the National Mediation Board certifies that the TWU has been duly designated and authorized to represent for purposes of the Railway Labor Act, as amended, the craft or class of Instructors, employees of American Airlines, Inc., its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD

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