



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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<p>In the Matter of the Application of the</p> <p><b>INTERNATIONAL BROTHERHOOD OF TEAMSTERS</b></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><b>UNITED PARCEL SERVICE COMPANY</b></p>	<p>30 NMB No. 16</p> <p>CASE NO. R-6922 (File No. CR-6748)</p> <p>FINDINGS UPON INVESTIGATION- DISMISSAL</p> <p>November 21, 2002</p>
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This decision addresses the application of the International Brotherhood of Teamsters (IBT or Organization) alleging a representation dispute pursuant to the Railway Labor Act (RLA) 45 U.S.C. § 152, Ninth (Section 2, Ninth), among “Manual Editors” (Editors) and “ATA Manual Specialists” (ATA Specialists) employees of United Parcel Service Company (UPS or Carrier). The IBT is the certified representative of the Mechanics and Related Employees craft or class (NMB Case No. R-5952). The IBT asserts that Editors and ATA Specialists are part of the Mechanics and Related Employees craft or class.

For reasons set forth below, the National Mediation Board (Board) concludes that Editors and ATA Specialists are already covered by the IBT’s certification. Therefore, the Board dismisses the application.

PROCEDURAL BACKGROUND

On March 1, 2002, the IBT filed an application alleging a representation dispute among UPS's Editors and ATA Specialists. The Organization requested the Board accrete the Editors and ATA Specialists into the Mechanics and Related Employees craft or class. This application was assigned NMB File No. CR-6748. Susanna F. Pequignot was assigned as the Investigator.

On March 23, 2002, UPS submitted an initial position statement. The IBT filed an initial position statement on March 25, 2002. On April 10, 2002, the IBT responded to UPS's position statement. The Carrier responded to IBT's submissions on April 16, 2002. On April 26, 2002, the IBT responded to the Carrier's April 16, 2002 submission.

ISSUE

Are UPS's Editors and ATA Specialists part of the Mechanics and Related Employees craft or class?

CONTENTIONS

IBT

The IBT contends that UPS's Editors and ATA Specialists are part of the Mechanics and Related Employees craft or class currently represented by the IBT; therefore, an accretion election is not necessary. The IBT states that the Board has traditionally included employees performing functions similar to those performed by Editors and ATA Specialists in the Mechanics and Related Employees craft or class.

The Organization contends that Editors and ATA Specialists perform essential functions in support of the mechanics, and that the mechanics depend on the Editors and ATA Specialists to perform their duties. The Organization further asserts that mechanics cannot perform their duties without reference to and the use of the maintenance manuals and technical publications

developed and administered by the Carrier's Editors and ATA Specialists. The IBT also states that a significant responsibility of Editors and ATA Specialists is to field calls from the Carrier's mechanics. Therefore, the IBT asserts, UPS' Editors and ATA Specialists share a work-related community of interest with the Mechanics and Related Employees craft or class.

The Organization argues that although Editors and ATA Specialists work in an office environment, the location where employees work is not determinative of craft or class. The IBT also argues that the actual performance of hands-on aircraft maintenance is not a prerequisite for inclusion in the craft or class. The Organization argues that the Board has repeatedly determined that the Mechanics and Related Employees craft or class is not limited to aircraft mechanics. For example, the IBT states that Maintenance Controllers and Flight Simulator Technicians are part of the Mechanics and Related craft or class at UPS. The IBT also states that Editors and ATA Specialists perform functions similar to the Program Specialists in *US Airways*, where the Board found that they share a community of interest with the Mechanics and Related Employees craft or class. 28 NMB 104 (2000). The IBT also asserts that the work performed by Editors and ATA Specialists is indistinguishable from the work performed by Technical Procedures Specialists in *Allegheny*, who were found to be part of the Mechanics and Related Employees craft or class. See *Allegheny Airlines, Inc.*, 6 NMB 359 (1977).

#### UPS

The Carrier asserts that Editors and ATA Specialists do not share a work-related community of interest with the Mechanics and Related Employees craft or class. Furthermore, the Carrier asserts that Board precedent disfavors the accretion of Editors and ATA Specialists to the Mechanics and Related Employees craft or class.

The Carrier states that Editors and ATA Specialists have very little contact with Mechanics and Related Employees and

only speak with a mechanic once every six months. The Carrier also states that unlike the mechanics, neither the Editors nor the ATA Specialists are required to be Airframe and Powerplant (A&P) certified. UPS asserts that the dissimilarity of job functions and the lack of contact between the two groups indicates that Editors and ATA Specialists do not share a work-related community of interest with the Mechanics and Related Employees craft or class.

UPS states that Editors and ATA Specialists do not work in the same location as mechanics, but instead, work in an office environment more than 10 miles from where the majority of mechanics work. UPS also contends that Mechanics and Related Employees perform hands-on maintenance work on aircraft while Editors and ATA Specialists do not perform any maintenance work. UPS argues that the Editors and ATA Specialists do not perform “any of the first three critical duties of the ‘Specialists’ at issue in *US Airways, Inc.*” The Carrier also argues that *Allegheny Airlines, above*, is distinguishable from this case since the Technical Specialists at Allegheny worked in the same location as mechanics and were under the control of the Assistant Vice President of Maintenance. The Carrier also argues that “[c]ontrollers, flight simulator technicians and utility employees have the opportunity to transfer into line mechanics position.” The Carrier contends that neither Editors nor ATA Specialists have ever moved into line maintenance positions.

The Carrier states that UPS’s Editors and ATA Specialists may be included in other crafts or classes such as Engineers and Related Employees or “Office Clerical and Related Employees.” Furthermore, the Carrier argues, Editors and ATA Specialists share a pay scale and benefits with UPS “Office Clerical and Related Employees.”

Finally, UPS states that if the Board finds that Editors and ATA Specialists are part of the Mechanics and Related Employees craft or class, then the Board must conduct an accretion election. The Carrier alleges that “accretion without an election . . . is a violation of the RLA and must be stopped.”

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.

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

II.

The IBT is a labor organization and/or representative as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

III.

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

STATEMENT OF FACTS

I.

According to the Procedures Manual supplied by the Carrier, UPS Editors perform the following duties:

- A. Maintain Company Manuals.
- B. Maintain Airline Forms and Index.
- C. Publish Aircraft Maintenance Bulletins.
- D. Perform periodic audits of Company Manuals master file, Airline Forms master file, pending Technical Publication Change Requests (TPCR), and other appropriate documents.
- E. Coordinate revisions and temporary revisions by routing and tracking TPCRs for approval. Initiate and participate in communications with affected departments, and ensure other publications affected by changes are updated.
- F. Provide research service as required for previous revisions, TPCRs, Airline Forms, etc.
- G. Perform other duties as assigned by the Supervisor.

The UPS ATA Specialists perform the following duties:

- A. Maintain current TPCR/Engineering Orders (EO) status information, master files, and historical files.
- B. Maintain manuals for specific fleet types as appropriate.
  - 1. Maintain library of previous operator manuals and reference material.

2. Maintain current manuals library for a specific fleet type.
  3. Review and maintain the master microfilms for the specific fleet types, if assigned.
- C. Review, research and process TPCRs/EOs for incorporation in applicable manuals in accordance with established procedures and guidelines published in the General Maintenance Manual (GMM) and UPS Technical Publications Guidelines.
- D. Develop Temporary Revisions (TRs), as required for material requiring immediate distribution to manual holders.
- E. Revise Wiring Diagrams using CAD software.
- F. Review TPCR, EO, and TR packages completed by other Specialists.
- G. Review and audit revisions to manuals produced or revised in-house or by vendors.
- H. Coordinate various activities with manual vendors as directed by the Supervisor.
- I. Provide previous operator manuals and develop supplement manuals for new acquisition aircraft.
- J. Assist Engineering and Maintenance with technical questions on day-to-day operations, as required.
- K. Update manual frontal matter such as Revision Transmittal, Highlights, Record of Change Authorization, List of Effective Pages, Table of Contents, Wiring Diagram Associated Equipment List, etc.

- L. Participate in the development of procedures for processing technical data through the various stages of development and publication.
- M. Perform other duties as assigned by the Supervisor.

II.

The Editors and ATA Specialists work within the Technical Publications Department of UPS. The Technical Publications Department is part of UPS's Aircraft Maintenance and Engineering Department and under the ultimate authority of the Carrier's Aircraft Maintenance and Engineering Manager.

According to the Carrier's Procedures Manual, Editors revise and maintain UPS's technical publications. These changes are in response to Technical Publication Change Requests (TPCR) received from mechanics, engineers, and other employees. Once a TPCR is received, Editors research and evaluate the change to determine whether or not a revision is necessary. The Procedures Manual also states that Editors maintain Aircraft Maintenance Bulletins which are used by the Carrier's maintenance personnel for updates on aircraft maintenance.

The Procedures Manual states that ATA Specialists also receive TPCRs from mechanics and incorporate them into the Carrier's maintenance manuals. According to the Procedures Manual, ATA Specialists must "[a]ssist Engineering and Maintenance with technical questions on day-to-day operations, as required." Maintenance Training Instructors and Supervisors communicate with ATA Specialists regarding upcoming modifications to aircraft. ATA Specialists also attend technical training classes where they interact with Maintenance Training Instructors.

A December 2001 job posting for UPS ATA Specialists states the following under "Required Skills":



Previous hands-on experience in maintaining aircraft and/or experience in the development, maintenance and updating of aircraft technical manuals.

On a 1999 "Employment Requisition" form for ATA Specialists, the Carrier listed the following under "Skills Required to Perform Position":

Two years experience in heavy aircraft maintenance. Computer literate and knowledgeable in aircraft maintenance related ATA manuals. Technical writing experience is desirable, with good command of the written English language. Must possess an FAA Airframe and Powerplant Certificate.

## DISCUSSION

### I. Proper Craft or Class

In determining the proper craft or class for a group of employees, the Board considers a number of factors. These factors include functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *Frontier Airlines, Inc.*, 29 NMB 28 (2001); *United Air Lines, Inc.*, 28 NMB 533 (2001); *US Airways, Inc.*, 28 NMB 104 (2000); *Continental Airlines Inc./Continental Express, Inc.*, 26 NMB 143 (1999). The factor of work-related community of interest is particularly important. *Continental Airlines, above*; *LSG Lufthansa Servs., Inc.*, 25 NMB 96 (1997); *Airborne Express, Inc.*, 9 NMB 115 (1981). The Board makes craft or class determinations case by case, based 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, above*; *United Parcel Serv. Co.*, 27 NMB 3 (1999); *Allegheny Airlines, Inc.*, 26 NMB 487 (1999). In *United Airlines, Inc.*, 6 NMB 134 (1977), the Board, quoting *National*

*Airlines, Inc.*, 1 NMB 423, 428-29 (1947), described the composition of the Mechanics and Related Employees, in part, as follows:

- A. Mechanics who perform maintenance work on aircraft, engine, or accessory equipment.
- B. Ground service personnel . . . .
- C. Plant maintenance personnel . . . .

The Board has further stated, “[t]he related employees . . . while of different skill levels from the mechanics, nonetheless are closely related to them in that they are engaged in a common function - the *maintenance function*.” *Eastern Air Lines, Inc.*, 4 NMB 54, 63 (1965) (emphasis added). See also *US Airways*, 28 NMB 50 (2000); *Federal Express Corp.*, 20 NMB 360 (1993).

The Board has included classifications other than mechanics in the craft or class. *US Airways, Inc.*, 28 NMB 104 (2000) (Program Specialists); *US Airways*, 28 NMB 50 (2000) (Quality Assurance Consultants); *United Parcel Serv. Co.*, 27 NMB 3 (1999) and *Allegheny Airlines*, 26 NMB 487 (1999) (Maintenance Controllers); *U.S. Air*, 8 NMB 524 (1981) (Technical Specialists); *World Airways, Inc.*, 7 NMB 420 (1980) (Maintenance Training Instructor, Senior Technical Writer, Technical Writer, Production Planners, Specialist Avionics, and Specialist Sheet Metal).

In *US Airways, Inc.*, 28 NMB 104 (2000), the Board found that the Program Specialists share a work-related community of interest with the craft or class of Mechanics and Related Employees. The Board reached this decision, in part, because Program Specialists “develop and administer technical publications and procedures necessary for the implementation of established policy.” These duties are very similar to the duties of UPS Editors and ATA Specialists as outlined in the Carrier’s Procedures Manual.

Editors revise and maintain technical publications in response to Technical Publication Change Requests (TPCRs) received from mechanics. Editors must research and evaluate the TPCR to determine whether or not a revision is necessary. Mechanics and Related Employees rely on these publications to perform aircraft maintenance.

ATA Specialists also maintain technical publications in response to TPCR. In addition, the ATA Specialists assist maintenance employees with technical questions as needed and discuss changes to aircraft with Maintenance Training Instructors. A December 2001 job posting requested that ATA Specialists have “previous hands-on experience maintaining aircraft.”

The Editors and ATA Specialists perform maintenance related work. The Board finds that UPS’ Editors and ATA Specialists share a work-related community of interest with the craft or class of Mechanics and Related Employees.

## II. Accretion

The Board’s broad discretion to determine the manner in which it conducts investigations in representation disputes was upheld conclusively in *Railway 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 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. *Frontier Airlines, Inc.*, 29 NMB 28 (2001); *US*

*Airways*, 28 NMB 50 (2000); *United Airlines, Inc.*, 25 NMB 365 (1998); *United Parcel Serv.*, 25 NMB 326 (1998).

CONCLUSION

The Board finds that UPS's Editors and ATA Specialists are covered by the certification in NMB Case No. R-5952. As there is no basis for further investigation, File No. CR-6748 is converted to NMB Case No. R-6922 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.

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