



NATIONAL MEDIATION BOARD

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Re: NMB Case No. R-7101
Frontier Airlines, Inc.

Ladies and Gentlemen:

This determination addresses the October 17, 2006 appeal filed by Frontier Airlines, Inc. (Frontier or Carrier) of

Investigator Cristina A. Bonaca's eligibility ruling. For the reasons discussed below, the appeal is denied.

I. Procedural Background

On September 8, 2006, the Frontier Flight Attendants Association (FFAA) and the International Brotherhood of Teamsters, Airline Division (IBT) each filed applications pursuant to the Railway Labor Act (RLA or Act), 45 U.S.C. § 152, Ninth (Section 2, Ninth), alleging a representation dispute involving the Flight Attendants of Frontier.

On September 28, 2006, Frontier submitted its challenges and status changes to the List of Potential Eligible Voters (List). On September 29, 2006, the IBT submitted its challenges to the List, alleging, inter alia, that Frontier's Inflight Standards Supervisors (ISS) were management officials ineligible for representation. On October 6, 2006, Frontier filed a brief response to the challenges submitted by the IBT, *but did not file any evidence regarding the status of its ISS*. The FFAA did not file any challenges in this matter.

On October 11, 2006, the Investigator ruled on the various challenges and status changes submitted and held, inter alia, that Frontier's ISS were not management officials and would remain on the List.

II. Investigator's Ruling

The IBT asserted that Frontier's ISS were management officials as they: supervise and evaluate Flight Attendants in the performance of their duties, sending feedback to Flight Attendants through company e-mail; and are permitted to administer low-level discipline and refer Flight Attendants to an Inflight Manager for "additional corrective action." In support of its position, the IBT provided: a July 7, 2006 "Inflight Training & Standards Memo" sent to all Flight Attendants regarding the recruiting of ISS positions; and a September 5, 2006 email from Frontier's Manager of Inflight Standards

informing Flight Attendants that four ISS had been selected and giving an overview of their duties.

Neither Frontier nor the FFAA provided any statement on the issue of whether the ISS were management officials.

The Investigator ruled that while the ISS possess some limited supervisory and disciplinary authority, the cumulative evidence demonstrated that Frontier's ISS are not management officials. These employees fly three out of every four days, and accrue seniority as Flight Attendants during their tenure as an ISS. While the ISS are tasked with monitoring and evaluating Flight Attendants in the performance of their duties, the postings make clear that the ISS and Flight Attendants are to work together as a team. Further, recommendations and feedback from ISS to Flight Attendants are done informally through email. While the ISS are authorized to recommend some minor discipline, it is the Inflight Manager who ultimately authorizes and determines whether discipline is appropriate.

III. Frontier's Appeal

In its October 17, 2006 appeal, Frontier asserts, for the first time, that its ISS are management officials and should be removed from the List. Frontier contends that its ISS have both supervisory and disciplinary authority stating that: 1) they operate in a supervisory capacity in performing their duties, and "may partner with Inflight Managers ("IM") to determine discipline for Flight Attendants"; 2) they provide one-on-one coaching and feedback to Flight Attendants on a range of inflight responsibilities; and 3) they "are responsible for assisting the IM in preparing for hearings on Flight Attendant disciplinary matters and also testify on behalf of the Carrier at such hearings."

The Carrier did not provide any declaration, case law citations, or other evidence in support of its appeal.

IV. Discussion

Section 10.2 of the NMB Representation Manual (Manual) discusses “Appeals of an Investigator’s Ruling,” and provides:

All appeals must be filed with the General Counsel and supported by substantial evidence Absent extraordinary circumstances, evidence submitted on appeal will not be considered by the NMB unless it was submitted to the Investigator.

Frontier had ample opportunity during the initial challenges and objections period to comment on the status of its ISS. Further, it has offered neither “substantial evidence” nor “extraordinary circumstances” to justify the Board’s consideration of the additional evidence presented in the appeal.

The evidence presented establishes that Frontier’s ISS are not management officials within the meaning of Manual Section 9.211, and accordingly these employees should remain on the List.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel