



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, AFL-CIO

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

involving employees of

NORTHWEST AIRLINES,
INC./DELTA AIR LINES, INC.

37 NMB No. 18

CASE NO. R-7230
(File No. CR-6959)

FINDINGS UPON
INVESTIGATION

December 22, 2009

This determination addresses the application filed by the International Association of Machinists and Aerospace Workers, AFL-CIO (IAM). The IAM requests the National Mediation Board (NMB or Board) to investigate whether Delta Air Lines, Inc. (Delta) and Northwest Airlines (Northwest) (collectively the Carriers) are operating as a single transportation system. In addition, the Board was asked to determine the proper craft or class for Flight Simulator Technicians (Simulator Technicians or Sim Techs).

The investigation establishes that Delta and Northwest constitute a single transportation system for the craft or class of Simulator Technicians.

PROCEDURAL BACKGROUND

On August 13, 2009, the IAM filed an application alleging a representation dispute involving the craft or class of Simulator Technicians. At Northwest, the IAM is the certified representative of the Simulator Technicians craft or class pursuant to NMB Case No. R-6567, *Northwest Aerospace Training Corp.*, 25 NMB 260 (1998). The employees in the Simulator Technician craft or

class at Delta are currently unrepresented.

The Board assigned the IAM's application NMB File No. CR-6959. The Board also assigned Cristina A. Bonaca to investigate and requested that the Carriers provide information regarding their operations. On August 26, 2009, the Carriers submitted the requested information. On September 23, 2009, the IAM filed a response. Delta filed an additional statement on October 5, 2009. The Board requested further factual information on the craft or class issue. The Carriers responded October 16, 2009, and the IAM responded October 26, 2009.

ISSUES

Are Delta and Northwest operating as a single transportation system? If so, what are the representation consequences?

What is the proper craft or class for Simulator Technicians at the single transportation system?

CONTENTIONS

IAM

The IAM states that Delta and Northwest are a single carrier for the craft or class of Simulator Technicians. The IAM contends that the Board's trend is to find Simulator Technicians as a stand-alone craft or class, because of the evolving and computer-based skill set required of Sim Techs. In addition, the history at Northwest and Delta supports a finding of a single craft or class rather than combining the Sim Techs with the Mechanics and Related Employees craft or class. The IAM writes: "Proper analysis of Northwest Sim Tech history, how Sim Techs are treated at Delta, and Board precedent leads to the . . . conclusion that Flight Simulator Technicians who work at the merged Delta are a separate, stand-alone craft or class."

THE CARRIERS

The Carriers contend that Simulator Technicians are traditionally part of the Mechanics and Related Employees craft or class, as demonstrated by a significant number of Board decisions. Further, the Carriers contest the IAM's characterization that both Northwest and Delta have historically treated their Simulator Technicians as a separate craft or class. The Carriers state that "stable labor relations are not well-served by the fragmentation of a craft or class into many separate pieces consisting of only a few relatively small job

categories.”

Notwithstanding the unresolved craft or class issue, the Carriers’ position is that Delta and Northwest are a single carrier for all purposes under the Railway Labor Act¹ (RLA or Act). On January 7, 2009, the Board issued its decision in NMB Cases R-7191, R-7192, R-7193, and NMB File No. CR-6950 holding that the Board’s “investigation establishes Delta and Northwest constitute a single transportation system” for representation purposes under the RLA. *Delta Air Lines, Inc. and Northwest Airlines, Inc.*, 36 NMB 36, 53 (2009).

The Carriers observe that the Board’s January 7, 2009 decision found that, following its acquisition of Northwest on October 29, 2008, Delta had achieved common ownership, common management, and common control of labor relations. Since that decision, the Carriers state that Delta has proceeded to integrate operations, policies, and procedures. In support of its position, the Carriers supplied additional updated information regarding the integration of former Northwest operations and employees into Delta.

FINDINGS OF LAW

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

I.

Delta and Northwest are common carriers 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 the purposes of this chapter.”

¹ 45 U.S.C. § 151, *et seq.*

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. In determining the choice of the majority of employees, the Board is “authorized to take a secret ballot of the employees involved, or to utilize any other appropriate method of ascertaining the names of their duly designated and authorized representatives . . . by the employees without interference, influence, or coercion exercised by the carrier.”

STATEMENT OF FACTSCommon Corporate Ownership

On April 14, 2008, Delta announced that it had reached agreement, subject to governmental and shareholder approval, to acquire 100 percent of the ownership interests in Northwest Airlines Corporation, the holding company which owns 100 percent of Northwest. The shareholders of Delta and Northwest separately approved the transaction on September 25, 2008. The United States Department of Justice granted final United States government approval of the transaction on October 29, 2008. On that same date, Delta acquired all of the ownership interests in Northwest. With the closing of the acquisition, Delta owns 100 percent of the equity of Northwest, and all former Northwest shareholders are now Delta Shareholders.

As of July 31, 2009, there are 97 potential eligible voters in the Simulator Technician craft or class. Of the 97 employees, 59 were pre-merger Delta employees and 38 were pre-merger Northwest employees.

Management and Labor Relations

According to the declaration of Wayne Aaron, Delta’s Vice President for Corporate Strategy and Business Development, Delta has in place common corporate management of the two pre-transaction carriers. There is a single shareholder-elected Board of Directors. Delta’s pre-merger Chairman of the Board, Daniel Carp, remains Chairman, and Northwest’s pre-merger Chairman, Roy Bostock, is now Vice Chairman. The remainder of the Board is composed of seven pre-transaction Delta Directors and four pre-transaction Northwest Directors.

In an internal memorandum dated October 31, 2008, Delta announced its entire post-merger team of corporate officers. According to Aaron, except as required for compliance with the applicable FAA regulations, the Corporate

Leadership team is exercising control over corporate management functions, including Finance, Treasury, Supply Chain, Revenue and Network, Marketing, Airport Customer Service, Technical Operations, Flight Operations, In-Flight Service, Legal, and Human Resources.

Following conclusion of the merger, Delta's new General Counsel, Ben Hirst, assumed direction of all legal affairs at Delta and Northwest. Hirst had previously been Senior Vice President – Corporate Affairs and General Counsel at Northwest.

According to Aaron, there is a single executive in charge of human resources and labor relations. Delta's Executive Vice President for Human Resources and Labor Relations, Mike Campbell, became the Chief Human Resources and Labor Relations Officer at the combined Carrier.

Transition and Seniority Integration Agreements

Delta and the Air Line Pilots Association (ALPA), representative of the flight deck crew members at the pre-merger Delta and Northwest, negotiated a joint collective-bargaining agreement (JCBA) that brought the Northwest flight deck crew members under the pre-merger Delta-ALPA agreement effective the day following the closing of the merger. On November 4, 2008, ALPA filed an application with the Board alleging the existence of a single carrier and seeking certification as the representative of the craft or class of Flight Deck Crew Members at the post-merger Delta. Delta also entered into a seniority agreement with ALPA in connection with the JCBA and final agreement on the list was reached following an arbitration decision issued on December 8, 2009. In its January 7, 2009 decision, the Board found that Delta and Northwest were a single carrier with respect to the craft or class of Flight Deck Crew Members. Subsequently, the Board certified ALPA as the representative of employees in the Flight Deck Crew Members craft or class. *Delta Air Lines, Inc./Northwest Airlines, Inc.*, 36 NMB 64 (2009).

Following ALPA's filing, the Professional Airline Flight Controllers Association (PAFCA), the representative of employees in the Flight Dispatcher craft or class at the pre-merger Delta, filed an application with the Board. The employees in the Flight Dispatchers craft or class at the pre-merger Northwest were represented by the Transportation Workers Union of America (TWU). TWU, PAFCA, and the Carriers negotiated a combined collective-bargaining agreement (CBA) that the parties agreed would apply regardless of which labor organization would ultimately be selected by employees in the craft or class. Following an NMB election, PAFCA was certified to represent the Flight Dispatchers craft or class at the post-merger Delta. *Delta Air Lines,*

Inc./Northwest Airlines, Inc., 36 NMB 90 (2009). Delta agreed to an integrated Flight Dispatcher seniority list produced jointly by TWU and PAFCA and that list is currently in place under PAFCA's CBA.

At the same time, the Northwest Airlines Meteorologists Association (NAMA), the representative of employees in the Meteorologists craft or class at the pre-merger Northwest, filed an application seeking to represent these employees at the post-merger Delta. Meteorologists employed by the pre-merger Delta were unrepresented. NAMA requested an NMB election which resulted in a dismissal. *Delta Air Lines, Inc./Northwest Airlines, Inc.*, 36 NMB 88 (2009). Delta accepted an integrated Meteorologist seniority list produced by NAMA and a committee of pre-merger Delta Meteorologists. This list covers all Meteorologists employed by the Carriers.

Employees in the Mechanics and Related craft or class at the pre-merger Northwest were represented by the Aircraft Mechanics Fraternal Association (AMFA). Employees in the same craft or class at the pre-merger Delta were unrepresented. On January 21, 2009, AMFA representatives and the Carriers negotiated a transition agreement covering the transition of AMFA-represented employees to Delta's pay, benefits, and work rules should AMFA no longer represent those employees. Subsequently, on February 25, 2009, AMFA filed a letter with the NMB disclaiming interest and requesting revocation of its certification as the representative of the Mechanics and Related Employees craft or class at Northwest. The Board accepted AMFA's statement and revoked the certification. *Northwest Airlines, Inc.*, 36 NMB 84 (2009). The seniority list currently in effect for the Mechanics and Related Employees craft or class was produced by AMFA and individuals selected by the affected employees at pre-merger Delta.

At the pre-merger Northwest, employees in the Technicians craft or class were represented by the Aircraft Technical Support Association (ATSA). Employees in this craft or class at the pre-merger Delta were unrepresented. ATSA representatives and the Carriers negotiated a transition agreement governing how ATSA-represented employees would transition to Delta's pay, benefits, and work rules should ATSA no longer represent those employees. Subsequently, by letter dated March 18, 2009, ATSA notified the NMB that it was disclaiming interest in further representation of the Technicians craft or class at pre-merger Northwest and requesting revocation of its certifications. The Board granted ATSA's request and revoked the certifications. *Northwest Airlines, Inc.*, 36 NMB 92 (2009). Pursuant to the transition agreement with ATSA, almost all ATSA-represented employees transitioned into salaried and merit positions at Delta and, according to the Carriers, these positions do not have seniority-based job or bidding rights. Those ATSA represented employees

who transitioned into scale positions were grandfathered into existing seniority rights under Delta policies in the Technical Operations Division.

The IAM and Northwest entered into a pre-merger CBA covering Flight Simulator Technicians and Simulator Support Specialists. On June 1, 2009, Delta's Simulator Technicians Seniority Integration Committee proposed its own integration proposal limited exclusively to Simulator Technicians from Delta and Northwest.

Employee Benefits

The combined carrier has applied common terms and conditions of employment to management and non-contract employees. Aaron states that Northwest management personnel who have accepted positions at the combined carrier have received Delta job titles in accordance with Delta's pay grade structure. As of March 1, 2009, all salaried employees are fully subject to all Delta policies and procedures with the exception of core employee benefit plans such as medical insurance, life insurance, and retirement income plans. Transition to these core employee benefit plans will be effective January 1, 2010. Profit sharing programs for management employees and those employees where representation has been resolved were aligned effective January 1, 2009. Company contribution levels to 401(k) plans will be harmonized on January 1, 2010, with full integration of 401(k) plans with a single record keeper and plan design scheduled for January 1, 2011.

According to Aaron, Delta has also assumed control of recruiting and hiring at the combined carrier. After October 29, 2008, Delta assumed complete responsibility for all recruiting and hiring of any personnel needed to staff the former Northwest operations.

On June 23, 2009, Delta implemented a single pass travel policy and system. Under this system, all employees are provided with pass travel access to the combined Delta Northwest network under a single uniform travel policy.

Financial Systems

Delta has substantially integrated its financial systems, creating one common environment for a consolidated general ledger. There is a common system for reporting and tracking profit performance by flight, region, and entity. All Northwest financial and operation data has been integrated into the Delta Flight Profitability System. Delta has also consolidated financial statements released by a single investor relations organization, harmonized single accounting policies and procedures, and developed a single Sarbanes-

Oxley program. Delta has also converted Northwest's fuel accounting to Delta's system and harmonized regulatory reporting tools. All cash forecasting, investment management, and hedging activity for the Carriers is now managed at Delta's Atlanta headquarters under common procedures, controls, and systems.

FAA Operating Certificate

Aaron states that FAA regulations require that Delta devise a plan for the integration over time of the Carriers' separate safety, flight operations, aircraft maintenance, flight crew training, and system-wide control or dispatch functions. Delta submitted its plan to achieve a single operating certificate (SOC plan) over an estimated 15-month period to the FAA by letter dated August 29, 2008. By letter dated September 22, 2008, the FAA accepted the SOC plan. Delta filed an updated SOC plan with the FAA on April 17, 2009, including a Bridging Manual for managing parallel processes and a checklist defining the full scope of work for achieving a single operating certificate. As of June 29, 2009, Process Assessment Tools have been submitted by Delta and accepted by the FAA. Delta filed another revision to the SOC plan in June 2009 that provides "a task-level integration plan detailing the plan for and progress towards combining operations to achieve a Single Operating Certificate."

Routes and Schedules

Planning and scheduling of all Delta and Northwest flights and markets are now managed by a single Network/Schedules team at Delta's Atlanta headquarters. Northwest's scheduling function was successfully migrated to Delta's AirFlite system so that all flights can be managed with one computer system. According to Aaron, beginning in April 2009, Delta loaded and implemented schedules for cross-fleeting, i.e. placing Northwest aircraft on traditional Delta routes and vice versa. In February and March 2009, Delta successfully sent its first fully integrated schedule (for April 2009) to the Global Distribution Systems (GDS) operators. Aaron states that Delta has now finalized its first combined summer schedule and fall schedule and launched 14 cross-fleeting markets. Delta has also aligned domestic published fares, rules, and conditions; consolidated revenue management performance tracking and reporting; consolidated international pricing teams in Atlanta; and created a single system for pricing and processes under common management. All operational coordination with Flight Operations, In-Flight Services, Airport Customer Service, Technical Operations, and Operations Control Center are also now managed by one scheduling team.

Frequent Flyer Programs, Clubs, and Credit Cards

On October 29, 2008, Delta sent participants in the frequent flyer program of each carrier a message stating that “Northwest Airlines is now a part of Delta.” Subsequently, members of Delta’s Sky Miles program and members of Northwest’s WorldPerks program began earning full mileage credit for flights flown on either carrier. In January 2009, Delta launched technology to allow customer-initiated integration of Northwest WorldPerks accounts into Delta Sky Miles accounts. The customer can link the two accounts to transfer miles between accounts, and, according to Aaron, over 1.2 million accounts were linked by June 2009. Full integration of the two loyalty programs is scheduled to occur in the fourth quarter of 2009.

Prior to the acquisition, both Delta and Northwest operated airport club rooms for qualifying customers. Delta operated Crown Rooms and Northwest operated World Clubs. As of June 2009, Delta rebranded all of the pre-merger club rooms as Delta Sky Clubs. Seventeen of the 22 former Northwest World Clubs have been completely rebranded, and all rebranding is expected to be completed by the end of 2009. Delta has also aligned club room supply distribution vendors, hours of operation, and policies for irregular operations, club membership programs, Day Pass product, and employee uniforms.

On April 1, 2009, Delta launched a new monthly in-flight magazine, “SKY”, for placement on the combined Delta and Northwest fleet. Delta also renegotiated its co-brand agreement with American Express in December 2008 and deactivated the Northwest WorldPerks Visa cards in July 2009.

Customer Service Policies and Fees

On domestic and international flights, Delta has harmonized most In-Flight Service products such as food available for purchase (EATS program), business and economy class snacks, blankets and pillows, and In-Flight Entertainment (IFE) programming. The majority of on-board policies and procedures have been harmonized including passenger safety briefing, emergency procedures, pets in cabin, cabin reserved seat baggage weight limit, designator codes, paperwork at the gate, armed passenger notification, lost ID procedures, and late arrival passengers.

Signs and Logos

All former Northwest stations have had a full or partial deployment of the Delta brand. As of July 31, 2009, 212 of 246 pre-merger Northwest stations have been completely re-branded. Effective June 1, 2009, a single station

leader has been named at all co-located stations. Where Delta ticket counters are being consolidated into Northwest airport space, 26 of the planned 34 are complete with the final eight scheduled for completion by the fourth quarter of 2009. Where Northwest ticket counters are being consolidated into Delta airport space, 127 of the planned 136 are complete with the remaining airports to be completed by the fourth quarter of 2009.² Effective May 19, 2009, all flights are under a common four-zone boarding process. On August 3, 2009, Delta also re-launched its Red Coat Customer Service across all pre-merger Delta and Northwest hub locations.

Delta has also replaced non-airport Northwest branding with the Delta logo at stadiums and other venues. For example, the Delta logo has replaced the Northwest logo at the Target Center in Minneapolis and on buildings such as the former Northwest cargo hanger at the Minneapolis/St. Paul International Airport.

Aircraft Livery

As of July 31, 2009, 99 Northwest mainline aircraft (40 percent) have been painted in Delta livery, with painting in process for five additional aircraft. All in-service Northwest mainline aircraft are scheduled to be repainted by April 2010. Also as of July 31, 2009, 41 Northwest regional aircraft (16 percent) have been painted in Delta livery, with painting in process for two additional aircraft. The entire Northwest regional fleet is scheduled to be repainted by the end of 2010. According to Aaron, Delta is on track to achieve its plan of painting 374 aircraft (222 mainline and 152 regional aircraft) in Delta livery by the end of 2009. Soft goods integration, the integration of on-board items such as seat belts, seat covers, bulkhead laminates, briefing cards, aisle curtains, demo belts, and baby bassinets, is complete on 34 or 14 percent and partially complete on 61 or 25 percent of Northwest mainline aircraft. Aaron states that soft goods integration is on track for 100 percent completion by the end of 2009.

Reservations

In January 2009, the Interactive Voice Response (IVR) technology at the phone reservation centers for both Delta and Northwest were synchronized. Delta has also finalized plans for its post-merger reservations division. Consolidation at Delta's reservations headquarters facility in Atlanta is

² The exception is Portland, Oregon, which is delayed until 2010 due to facility constraints.

complete; and Delta has harmonized complaint codes, verbiage, compensation guidelines, and response types. Delta has also consolidated overlapping Asian and Latin America call center locations.

Currently, all pre-merger Delta and Northwest flights are co-branded and available on both www.delta.com and www.nwa.com. This co-branding includes mainline flights in addition to flying done by regional subsidiaries such as Mesaba, Comair, and SkyWest. Both websites are cross-linked to facilitate the online check-in of passengers on either of the pre-merger carriers. Aaron states that Delta will continue to use both the DL and NW codes until a single operating certificate is in place and the reservation systems are combined.

Delta has also integrated its alliance partnerships, combining the existing Northwest-KLM Joint Venture and Delta-Air France Joint Venture into the new comprehensive Delta-Air France/KLM Trans Atlantic Joint Venture. The new joint venture creates an integrated portfolio of alliance, codeshare, and frequent flier partnerships.

Common Uniforms and Insignia

As of March 31, 2009, all Pilots, Flight Attendants, and Customer Service Representatives on the combined carrier wear common uniforms for their respective jobs.

DISCUSSION

I.

The Board's Authority

45 U.S.C. § 152, Ninth, authorizes the Board to investigate disputes arising among a carrier's employees over representation and to certify the duly authorized representative of such employees. The Board has exclusive jurisdiction over representation questions under the RLA. *General Comm. of Adjustment v. M.K.T. R.R.*, 320 U.S. 323 (1943); *Switchmen's Union of N. Am. v. Nat'l Mediation Brd.*, 320 U.S. 297 (1943). In *Air Line Pilots Ass'n Int'l v. Texas Int'l Airlines*, 656 F.2d 16, 22 (2d Cir. 1981), the court stated, "the NMB is empowered to . . . decide representation disputes arising out of corporate restructurings."

II.

Single Transportation System

Manual Section 19.4 provides that: “Any organization or individual may file an application, supported by evidence of representation or a showing of interest . . . seeking a NMB determination that a single system of transportation exists.”

In *Trans World Airlines/Ozark Airlines*, the Board cited the following indicia of a single transportation system:

[W]hether a combined schedule is published; how the carrier advertises its services; whether reservation systems are combined; whether tickets are issued on one carrier’s stock; if signs, logos and other publicly visible indicia have been changed to indicate only one carrier’s existence; whether personnel with public contact were held out as employees of one carrier; and whether the process of repainting planes and other equipment, to eliminate indications of separate existence, has been progressed.

Other factors investigated by the Board seek to determine if the carriers have combined their operations from a managerial and labor relations perspective. Here the Board investigates whether labor relations and personnel functions are handled by one carrier; whether there are a common management, common corporate officers and interlocking Boards of Directors; whether there is a combined workforce; and whether separate identities are maintained for corporate and other purposes.

14 NMB 218, 236 (1987).

The Board finds a single transportation system only when there is substantial integration of operations, financial control, and labor and personnel functions. *Burlington N. Santa Fe Ry. Co.*, 32 NMB 163 (2005); *Huron and Eastern Ry. Co., Inc.*, 31 NMB 450 (2004); *Portland & Western R. R., Inc.*, 31 NMB 71 (2003); *American Airlines and Reno Air*, 26 NMB 467 (1999). Further, the Board has noted that a substantial degree of overlapping ownership, senior management, and boards of Directors is critical to finding a

single transportation system. *Precision Valley Aviation, Inc., d/b/a Precision Airlines and Valley Flying Serv., Inc., d/b/a Northeast Express Reg'l Airlines*, 20 NMB 619 (1993). The Board's criteria for substantial integration of operations do not require total integration of operations. *US Airways*, 33 NMB 49 (2006).

The Board recently determined that Delta and Northwest operate as a single transportation system for the crafts or classes of Flight Deck Crew Members, Flight Dispatchers, and Meteorologists. *Delta Air Lines, Inc./Northwest Airlines, Inc.*, 36 NMB 36 (2009). The corporate merger of Delta and Northwest is complete and the Carriers have continued to move inexorably forward to form a single system.

By the end of 2008, the merger had been approved by the stockholders of both Delta and Northwest and by the United States Government, and Delta had acquired 100 percent of the ownership interest in Northwest. The Carriers had established a single board of directors and a single senior management structure, and placed authority for human resources and labor relations functions for the Carriers under the control of a single executive. Delta assumed authority for hiring and recruitment at the combined Carrier. The Carriers and ALPA negotiated the JCBA and finalized a seniority list. Subsequently, the Carriers also negotiated a CBA with PAFCA and TWU, prior to PAFCA's certification as the representative of the Flight Dispatchers craft or class. Further, the Carriers negotiated transition agreements with AMFA and ATSA and reached agreement on seniority integration lists with AMFA, NAMA, PAFCA, and TWU. Delta has also substantially integrated its financial systems.

Since January 2009, Delta has implemented additional steps in its SOC plan. Planning and scheduling of all Delta and Northwest flights and markets are now managed by a single team at Delta's Atlanta headquarters. Delta has also launched 14 cross-fleeting markets, placing Northwest aircraft on traditional Delta routes and vice versa. Delta has harmonized the vast majority of on-board policies and procedures. Delta has also harmonized the In-Flight service products such as food available for purchase, business and economy snacks, blankets and pillows, and In-Flight entertainment programming on domestic and international flights.

Delta and Northwest hold themselves out to the public as a single airline. Approximately 85 percent of the former Northwest stations have been rebranded as Delta. Delta has also replaced non-airport Northwest branding with the Delta logo at stadiums and other public venues. All Pilots, Flight Attendants, and Customer Service Agents on the combined carrier wear common uniforms for their respective job groups. Delta has announced one

new brand for the combined Carrier's club rooms and launched a new monthly in-flight magazine for placement on the combined Delta and Northwest fleet. The Carriers have also taken additional steps toward the combination of the pre-merger frequent flier programs linking accounts and establishing a date for requiring migration of frequent flier miles from Northwest's WorldPerks to Delta's Sky Miles. Delta also deactivated the Northwest WorldPerks Visa card in July 2009. A significant portion of the former Northwest fleet has been repainted with Delta livery and the repainting of the remaining mainline and regional aircraft is scheduled to be completed by 2010. Almost all pre-merger Delta and Northwest flights are co-branded and available on both www.delta.com and www.nwa.com. These websites are cross-linked to facilitate on line check in. The Carriers have also integrated their alliance partnerships to create a single comprehensive Delta-Air France/KLM Trans-Atlantic Joint Venture.

Based upon the application of the principles cited above to the facts established by the investigation, the Board finds that Delta and Northwest operate as a single transportation system.

III.

Craft or Class

A. Position Description

Delta submitted the job description for its Simulator Technicians:

Job Summary: [A Sim Tech] performs maintenance functions of full flight simulators, flight training devices, cockpit procedure trainers and associated support devices in order to meet the requirements of the pilot and maintenance training departments. Corrects identified discrepancies by troubleshooting electronic, hydraulic, visual and mechanical systems. Installs, replaces, cleans, repairs and services various equipment including visual systems, motion systems, electronic circuit boards and circuits. Operates, programs and maintains SEL, TI, PC, Motorola and IBM RISC 6000 computers. Performs periodic maintenance and diagnostics on computer and peripheral equipment. Operates and maintains electronic test equipment. Accomplishes pre-flight, morning readiness and FAA certification checks.

Accomplishes software archiving functions. Utilizes simulator software utilities to troubleshoot simulator system discrepancies. Practices safety conscious behaviors in all operational practices and procedures.

Job Qualifications: General knowledge of MPS and UNIX operating systems Assembler and C/C++ programming language is desirable. . . . Technical electronic school or equivalent military school . . . preferred. Familiarity with electronics and aircraft systems desirable. Should understand aerodynamics and possess a general understanding of commercial cockpit instrumentation and their relationship to the principles of flight.

B. Background

At Northwest, the Simulator Technicians were first represented by the Northwest Airlines' Foremen Association (NAFA). *Northwest Airlines, Inc.*, 5 NMB 136 (1971) (Simulator Technicians were accreted into a group of Instructors, Production Planners, Technical Manual Writers, and Service Analysts). This grouping was not precedential and the Board commented in a later decision that "the investigation did not establish that the work performed by the five (5) . . . classifications constituted a separate and distinct craft or class, nor did it preclude the Board from making an ultimate determination in any future representation dispute as to the proper grouping of these employee classifications for representation purposes." *Northwest Airlines, Inc.*, 14 NMB 173, 179 (1987) (citing to an unpublished decision from 1976, C-4393).

In 1987, Northwest advised NAFA that it was transferring its pilot training assets, including Simulator Technicians, to the Northwest Aerospace Training Corporation (NATCO). The Simulator Technicians were unrepresented at NATCO until 1993 when Flight Simulator Technicians and Flight Simulator Engineers chose the Aircraft Technical Support Association (ATSA) as their representative. *Northwest Aerospace Training Corp.*, 21 NMB 47 (1993). In 1998, NATCO Simulator Technicians chose the IAM as their representative. *Northwest Aerospace Training Corp.*, 25 NMB 260 (1998). Northwest continued to recognize the IAM as the representative of the Simulator Technicians when they subsequently returned to employment by the airline.

The Flight Simulator Technicians are unrepresented at Delta. Most Simulator Technicians are in the training unit of Delta's Flight Operations Division, which is headed by Captain Steve Dickson, the Senior Vice President

of Flight Operations.³ Delta's Aircraft Maintenance Technicians (AMTs) are in Delta's Technical Operations Division and report to the President of Delta Technical Operations, Tony Charaf. Delta's Ground Maintenance Technicians (GMTs) are in the Airport Customer Service (ACS) Division, reporting to Senior Vice President of ACS, Gil West.

All of Delta's post-merger Simulator Technicians work at one of two locations (Atlanta, Georgia and Eagan, Minnesota) which house the aircraft simulators. No Mechanics and Related Employees are assigned to the simulator facility; rather they are assigned to airports, maintenance facilities, and maintenance hangars.

C. Declarations

Delta Declarations

Michael Wysocki, Manager of Delta's Post-Merger Flight Simulator Technicians, provided the following declaration:

I was employed by Northwest Airlines from October 1979 until Northwest was acquired by Delta on October 29, 2008 One of my responsibilities in my current position is to lead the management team which supervises Simulator Technicians employed by the post-merger Delta.

Delta operates 38 full flight simulators, 50 flight training devices, and 116 aircraft door trainers 22 of these flight simulators are located at Delta's Training Center, which is part of Delta's headquarters complex adjacent to Atlanta's Hartsfield-Jackson International Airport. The other 16 flight simulators are located in Eagan, Minnesota (former Northwest headquarters)

Delta employs approximately 97 employees in the simulator technician category to maintain and support its full suite of flight simulators and other training devices. Delta's simulator technicians are required to

³ Four Simulator Technicians who work on Flight Attendant training devices report to the In-Flight Service department.

be fully capable of diagnosis and repairs of problems which arise in the operation of the full flight simulators and other training devices operated by Delta. The full flight simulators include the following software and hardware equipment: flight displays, systems control panels, flight controls, communications equipment, circuit breaker panels, navigation systems, visual systems, motion systems, control loading, computing systems and instructor training stations Routine duties . . . include daily FAA pre-flight device preparation, installation of equipment modifications, return-to-service technical support and ongoing preventative maintenance for all training devices. . . .

All of Delta's simulator technicians are in the training unit of Delta's Flight Operations department, which reports to Captain Steve Dickson, Senior Vice President of Flight Operations. Captain Dickson in turn reports to Delta's Chief Operating Officer, Mr. Steve Gorman.

Lisa Blackmon, Director of Human Resources for Delta's Technical Operations Division, provided a declaration in which she stated that not all employees in the Mechanics and Related Employees craft or class at Delta have FAA-issued Airframe & Powerplant (A & P) licenses, including all Ground Maintenance Technicians. Blackmon also stated that Aircraft Maintenance Technicians (AMTs) and Simulator Technicians share some duties in that both address problems in the cockpit or emergency equipment of an actual or simulated aircraft, and both must be fully qualified to maintain, service, and repair such equipment.

Blackmon also stated that: "Delta employs approximately 5500 Aircraft Maintenance Technicians in Delta's Technical Operations Division, which reports to the President of Delta Tech Opts, Mr. Tony Charaf. Mr. Charaf reports to Delta's COO, Mr. Steve Gorman." Delta's Ground Maintenance Technicians are in Delta's Airport Customer Service Division.

IAM Declarations**Declarant 1**

A Flight Simulator Technician who has worked at Northwest/NATCO since 1990 submitted a declaration. In relevant part he stated:

The flight simulator technicians maintain the equipment used to train aircraft pilots at both Northwest Airlines and Delta. This equipment includes cockpit panel trainers, enhanced virtual panel trainers, systems mockups, fixed base simulators plus full flight simulators with motion and visual display systems. All these training devices are computer controlled. The Sim Techs also maintain all the equipment connected to the training devices.

....

Sim Techs work every day with the pilot group, who are the instructors in the simulator and the students in the classroom. Sim Techs sit in the same classes the pilots take to learn the aircraft system. Besides having the knowledge on how the aircraft systems work, we also need to know how the different manufacturers simulate these systems. We answer maintenance calls . . . sometimes advising pilots about the correct way to operate the system.

Sim Techs are not part of Technical Operations (Tech Ops) Division where the Aircraft Maintenance Technicians (AMTs) for both airlines work. AMT supervision flows to the Senior Vice President of Maintenance. Sim Techs do not work alongside any of the Mechanics and Related groups.

....

When Sim Techs log on to Deltanet,⁴ we are automatically directed to the Flight Operations home

⁴ Deltanet is Delta's intranet for employees.

page. When AMTs log on to Deltanet, however, they are automatically directed to the Tech Ops home page.

In the 1960s when flight simulators were in their infancy, Northwest, United and other airlines staffed their original simulator operations with AMTs NWA Sim Techs' ties with AMTs were severed in 1971 after Sim Techs chose separate representation from the NWA mechanics

. . . .

There are no AMT's assigned to the NWA's simulator department. . . . There are no AMT's assigned to the Delta's simulator department in Atlanta.

Today virtually all Sim Techs at both NWA and Delta as well as industry-wide, received their training in the military or at flight simulator technical schools...[and] are now more closely related to pilots than to other larger groups such as mechanics.

The same Sim Tech, in a second declaration, responded to Mr. Wysocki's statement:

[N]ot all equipment . . . is identical to the equipment found in an actual aircraft flight deck. For example, circuit breakers in a simulator are controlled by computers . . . they are not aircraft parts. . . . When the items are, in fact, identical to actual aircraft equipment and in need of maintenance, those items are not maintained by Sim Techs. We remove the items, and they are sent to an outside vendor for repair, because Sim Techs do not have FAA certification to repair such equipment.

. . . .

Generally, Sim Techs do not use the same service and repair methods as are used on actual aircraft doors and emergency systems.

Declarant 2

Another Flight Simulator Technician submitted a declaration:

I am currently employed by NWA as a Sim Tech. I have held a Sim Tech position at NWA since 2006. From 1981 to 2005, I was employed by NWA as an AMT. Having worked as both an AMT and as a Sim Tech at NWA, I am uniquely qualified to identify the differences between the two work classifications.

....

When I entered the Flight Simulator Technician career field in 2006, I found many differences with the work I had performed as an AMT. First, I was not required to have a federal license of any kind, or proof of any formal training. As a Sim Tech I am subject to the requirements of FAR Part 60 . . . which is less restrictive in nature than the regulations covering aircraft maintenance and repair. As an AMT, I was subject to drug and alcohol testing . . . Flight Simulator Technicians . . . are exempt from testing

....

Further, the skill set used in the maintenance, repair, and modification of Flight Simulators is quite different from that used in aircraft maintenance. My experience as an instrument rated pilot helped greatly because the devices have to be 'flown' as part of our maintenance, and gives me greater understanding of crew write-ups. Most AMT's have little or no flight experience. The systems to be maintained are heavily computerized, and a solid understanding of digital electronics and computer language and networking is important I have had to learn this system from 'scratch' as there was nothing from my days as an AMT to help prepare me to maintain it.

D. Analysis

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. *Aeko Kula, Inc. d/b/a Aloha Air Cargo*, 36 NMB 72 (2009); *Southwest Airlines*, 35 NMB 139 (2008); *Talleyrand Terminal R.R. Co.*, 35 NMB 28 (2007); *United Air Lines, Inc.*, 32 NMB 75 (2004); *National R.R. Passenger Corp.*, 31 NMB 178 (2004). 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. *National R.R. Passenger Corp.*, *above*; *US Airways, Inc.*, 28 NMB 104 (2000); *US Air*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988).

The main duty of Simulator Technicians at the Carriers is to maintain and support flight simulator systems, which includes operating, programming, and maintaining computers and other peripheral equipment. (Delta job description). Sim Techs at the Carriers are required to have a knowledge of specific computer operating systems, programming ability, training from a technical electronic school or the military equivalent, and a basic understanding of commercial cockpit instrumentation and aerodynamics. *Id.* Sim Techs maintain cockpit panel trainers, systems mockups, simulators, and visual display systems – all of which are computer controlled. (IAM declarant 1). Further, as technology has evolved and simulators have become more complex to operate, the skill set used by Sim Techs is “quite different from that used in aircraft maintenance.” (IAM declarant 2). An understanding of flight instruments has become increasingly necessary and the systems are “heavily computerized, and a solid understanding of digital electronics and computer language and networking is important.” *Id.*

Sim Techs are not required to have an A & P license, and are not subject to federal licensing requirements or drug testing, as most of their Mechanics and Related counterparts are. *Id.* Actual aircraft parts in the simulator which require maintenance are removed and sent to an outside vendor for repair, “because Sim Techs do not have FAA certification to repair such equipment.” *Id.*

The Sim Techs at Northwest have historically been treated as a separate grouping from the Mechanics and Related Employees craft or class. See *Northwest Aerospace Training Corp.*, 21 NMB 47 (1993); *Northwest Aerospace*

Training Corp., 25 NMB 260 (1998). While Delta's Sim Techs are unrepresented, they are treated as a separate craft or class from the Mechanics and Related Employees. Sim Techs work every day with the Pilot group, both in the simulator and in the classroom. Sim Techs are located at two training centers, in Atlanta, GA and Eagan, Minnesota. (Wysocki declaration). Sim Techs do not work alongside any AMTs at the training centers. (IAM declarant 1). The majority of Sim Techs are in Delta's Flight Operations Division, while AMTs are in Delta's Technical Operations Division. (Wysocki and Blackmon declarations). Sim Techs report to the Vice President of Flight Operations, Captain Steve Dickerson, while AMT's report to the President of Delta Technical Operations, Tony Charaf. *Id.*

The IAM and Northwest entered into a pre-merger CBA covering Flight Simulator Technicians and Simulator Support Specialists. Simulator Techs were not included in the January 21, 2009 Northwest/Delta Seniority Integration Agreement for Technician & Related Employees (covering Mechanics and Related Employees). On June 1, 2009, Delta's Simulator Technicians Seniority Integration Committee proposed its own integration proposal limited exclusively to Simulator Technicians from Delta and Northwest. These merger agreements are further evidence that the Carriers view Simulator Technicians as a separate craft or class from the Mechanics and Related Employees.

Delta contends that the Board has traditionally found Simulator Technicians part of the Mechanics and Related Employees craft or class and cites to a number of decisions standing for this proposition. *See USA Jet Airlines, Inc.*, 31 NMB 287, 297 (2004) (Simulator Employees part of Mechanics and Related Employees); *United Parcel Serv.*, 25 NMB 174 (1998) and 25 NMB 326 (1998) (Simulator Technicians part of Mechanics and Related Employees); *Frontier Airlines, Inc.*, 7 NMB 84, 88 (1979) (Technical Assistant/Flight Simulator part of Mechanics and Related Employees); *United Airlines, Inc.*, 6 NMB 134 (1977) (Flight Simulator Technicians part of Mechanics and Related Employees); *United Air Lines*, 5 NMB 65, 77 (1968) (Flight Simulator Technicians and Lead Flight Simulator Technicians part of Mechanics and Related Employees).

The Board has examined the proper scope of the Mechanics and Related Employees in numerous decisions. *United Air Lines, Inc.*, 32 NMB 75 (2004); *US Airways, Inc.*, 31 NMB 324 (2004); *AirTran Airways, Inc.*, 31 NMB 45 (2003). In *United Airlines, Inc.*, 6 NMB 134, 135 (1977), the Board, quoting *National Airlines, Inc.*, 1 NMB 423, 428 (1947) described the composition of the Mechanics and Related Employees as including, among others, "Mechanics who perform maintenance work on aircraft, engine, [radio], or accessory

equipment.” The Board has also described the “related” employees in *Eastern Airlines, Inc.* 4 NMB 54, 63 (1965): “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” It is this “functional” connection between mechanical 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).

Conversely, the IAM points to numerous Board decisions finding Simulator Technicians in a separate stand-alone craft or class. *U.S. Airways/America West Airlines*, 33 NMB 297 (2006) (TWU certified as representative of Flight Simulator Engineers); *Southwest Airlines, Co.*, 31 NMB 301 (2004) (IBT certified as representative of Flight Simulator Technicians); *Continental Airlines, Inc./Continental Express, Inc.*, 28 NMB 307 (2001) (TWU certified as representative of Flight Simulator Technicians); *Continental Airlines Inc./Continental Express, Inc.*, 26 NMB 343 (1999) (Flight Simulator Engineers part of Flight Simulator Technicians craft or class). The decisions relied upon by the IAM are, for the most part, more recent determinations and reflect the trend of the Board to recognize Simulator Technicians as a separate craft or class of employees. In addition, it is appropriate for the IAM to rely on certifications as precedent for finding a separate craft or class of Simulator Technicians.⁵

In *Frontier Airlines, Inc.*, 7 NMB 84 (1979), the Board found the Technical Assistant to the Manager of Simulator Engineering employee part of Mechanics and Related Employees craft or class. The employee was responsible for maintaining and updating the carrier’s flight simulators with the assistance of technicians who were in the Mechanics and Related Employees craft or class. *Id.* at 88. The main factor supporting inclusion was that the Technical Assistant-Flight Simulator worked “closely with mechanics in carrying out his responsibilities in regard to the flight simulator.” *Id.* at 89. In the present case, the evidence shows that the Simulator Technicians do not work closely

⁵ Delta faults the IAM for relying on Board certifications of the craft or class of Simulator Technicians where there was no indication that “the craft or class issue was presented to or analyzed by the Board.” If the Board receives an *Application for Investigation of Representation Dispute* and believes the applied for craft or class is improper, it will issue a CR-File number and require a pre-docketing investigation. See Board’s Representation Manual Section 1.01-8. Where the Board believes the craft or class is proper, it will assign an R-Case number and proceed with the application. See Board’s Representation Manual Section 1.01-7. By proceeding to an election, the Board is making the determination that the craft or class grouping is proper at the carrier in question and this can be used for precedential purposes.

with mechanics, as they are physically in different locations, report to different supervisors, and are found in different parts of Delta's corporate structure.

In *Pacific Southwest Airlines*, 14 NMB 10 (1986), the Board accreted Flight Simulator Technicians into the Mechanics and Related Employees craft or class. The Board found the Simulator Technicians part of the "related" grouping, as they shared a community of interest with the Mechanics, and PSA did not present "any evidence to warrant a finding that Flight Simulator Technicians constitute a separate craft or class." *Id.* at 16. In the present case, the evidence shows that the complex computer skills required of Simulator Technicians differentiates them from the other "related" employees, and extinguishes any prior community of interest shared with Mechanics.

In *United Air Lines, Inc.*, 32 NMB 75 (2004), the Board found that the Staff Specialist, Simulator Fleet employees were part of the Mechanics and Related Employees craft or class. However, one of the main factors influencing the Board's decision was the history of Specialists on the property and the fact they had traditionally been included in the Mechanics and Related Employees craft or class. *Id.* at 99 ("Notably, United's Flight Simulator Technicians are already included in the craft or class of Mechanics and Related Employees—rather than in a separate craft or class."). As previously discussed, both Delta and Northwest have treated Simulator Technicians as a separate craft or class. In addition, the job description for Staff Specialists at *United Air Lines, above*, required employees to be licensed mechanics or have equivalent industry experience, which is not true of the Carriers' Simulator Technicians. *Id.* at 98.

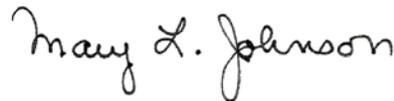
The Board finds that Simulator Technicians at the Carriers are properly a separate craft or class, as they do not share a "functional" community of interest with the Mechanics and Related Employees craft or class. *See Eastern Airlines, Inc.*, 4 NMB 54, 63 (1965). As flight simulators have become increasingly sophisticated, the skill set of Simulator Technicians has changed and diverged from that of Mechanics and Related Employees. Simulator Technicians work with Pilots on a daily basis and have little or no interaction with AMTs and other Mechanics and Related Employees. Sim Techs receive training in the military or at flight simulator technical schools, and have different training and licenses than AMTs. In addition, Simulator Technicians work in different physical locations and report to different supervisors than the Mechanics and Related Employees. Finally, both Northwest and Delta have treated Simulator Technicians as a separate craft or class from the Mechanics and Related Employees. With respect to craft or class determinations at a particular carrier, "[i]t is the Board's policy to adhere to previous determinations in the absence of any material change in circumstances." *United Air Lines, Inc.*, 32 NMB 75, 95 (2004); *United Airlines, Inc.*, 30 NMB 163,

171 (2002); *Trans World Airlines, Inc.*, 13 NMB 196, 201 (1986). While there is some conflicting Board precedent, the current trend in Board decisions and the history at the merged properties support a finding of a separate craft or class of Flight Simulator Technicians.

CONCLUSION

The Board finds that Delta and Northwest are operating as a single transportation system for representation purposes under the RLA. Accordingly, the IAM's application in File No. CR-6959 is converted to NMB Case No. R-7230. Pursuant to Manual Section 19.6, the investigation will proceed to address the representation of this craft or class. Any Intervenor has 14 calendar days from the date of this determination to file an application supported by a showing of interest of at least 35 percent of the single transportation system or to supplement the showing of interest in accordance with Manual Sections 19.601 and 19.603. The participants are reminded that under Manual Section 19.7, existing certifications remain in effect until the Board issues a new certification or dismissal.

By direction of the NATIONAL MEDIATION BOARD.



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