



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the
Application of the

**AIRCRAFT MECHANICS
FRATERNAL ASSOCIATION**

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

involving employees of

**JETBLUE AIRWAYS
CORPORATION**

49 NMB No. 10

CASE NO. R-7575
(FILE NO. CR-7230)

FINDINGS UPON
INVESTIGATION-
DISMISSAL

February 22, 2022

This determination addresses the application filed by the Aircraft Mechanics Fraternal Association (AMFA) alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. §152, Ninth (Section 2, Ninth),¹ among “Maintenance Controllers” at JetBlue Airways Corporation (JetBlue or Carrier).

For the reasons set forth below, the National Mediation Board (Board or NMB) finds that “Maintenance Controllers” is not a distinct craft or class at JetBlue but rather are part of the Mechanics and Related Employees craft or class and, therefore, dismisses the application.

PROCEDURAL BACKGROUND

On August 13, 2021, AMFA filed an application alleging a representation dispute involving the “Maintenance Controllers” at JetBlue. At the time the application was filed, these employees were not represented by any

¹ 45 U.S.C. § 151, *et seq.*

organization or individual. The application was given NMB File No. CR-7230 and Josie G. M. Bautista was assigned as the Investigator.

On August 31, 2021, the Carrier, without prejudice to its position that the Board should dismiss AMFA's petition, submitted a List of Potential Eligible Voters (List) identifying 28 Maintenance Controllers.

The Carrier filed an initial position statement on August 31, 2021 and a supplemental statement on September 3, 2021 asserting that "Maintenance Controllers" is not a distinct craft or class but part of the Mechanics and Related craft or class.

On September 21, 2021, the Investigator requested a position statement from AMFA and gave AMFA the opportunity to respond JetBlue's position statements. AMFA filed a position statement on September 29, 2021.

ISSUE

Are the Maintenance Controllers employed by JetBlue a separate, distinct craft or class, or are they part of the Mechanics and Related Employees craft or class?

CONTENTIONS

AMFA

AMFA contends that the Board makes craft or class determinations on a carrier-by-carrier basis, relying upon the Board's decision in *US Airways, Inc.* 30 NMB 54 (2002), where the Board found that Inflight Training Specialists constitute their own craft or class and were not part of the Office Clerical craft or class.

Here, AMFA asserts that the Maintenance Controllers at JetBlue are not represented and "there has never been a Board determination that the Maintenance Controllers at JetBlue do not belong in their own separate craft or class, or that they belong in any other craft or class." It asserts further that its application on behalf of the Maintenance Controllers "is not one to accrete Maintenance Controllers into any existing represented craft or class" so "JetBlue's arguments and accretion analysis that the Maintenance Controllers at JetBlue are part of the craft or class of Mechanics and Related Employees is premature and not yet ripe for review by the NMB at this time."

AMFA argues that the Carrier's sole purpose is to "deny any representation by attempting to attach the unrepresented Maintenance Controllers to a much larger group that is also unrepresented in order to deny any representation to the unrepresented Maintenance Controllers." It requests the Board recognize the unrepresented Maintenance Controllers at JetBlue as its own distinct craft or class and that an "election be held to determine the requested representation for the craft or class of Maintenance Controllers at JetBlue."

JetBlue

JetBlue contends that "Maintenance Controllers" is not a distinct craft or class but rather part of the Mechanics and Related Employees craft or class and urges the Board to dismiss AMFA's application. In support of its position, JetBlue submitted undisputed evidence showing the composition of its maintenance department; the functions, duties, and responsibilities of the Maintenance Controllers; the general nature of their work; the community of interest between the Maintenance Controllers and the Line Technicians at JetBlue; and "a significant number of Board decisions finding Maintenance Controllers properly part of the Mechanics and Related Employees craft or class." The Board decisions cited by JetBlue have "repeatedly rejected arguments that Maintenance Controllers constitute a distinct craft or class."

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.

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

II.

AMFA 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 the 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

JetBlue is the sixth largest airline in the United States and is headquartered in Long Island City, New York. It employs approximately 20,000 employees, all of whom are referred to by the Carrier as “crewmembers.”

There are approximately 30 Maintenance Controllers employed by JetBlue. The Maintenance Controllers are part of JetBlue’s Technical Operations (maintenance) department, which consists of approximately 1,300 employees. In addition to the Maintenance Controllers, the Technical Operations department includes Line Technicians, Quality Maintenance Planners, Heavy Maintenance Planners, Maintenance Operations Planners, Tech Support Specialists, Materials Specialists, and Minimum Equipment List (MEL) Specialists. The Technical Operations department has been headed by Bill Case, Vice President - Technical Operations since November 2018.

JetBlue employs Line Technicians at 12 locations where it has operations. These locations are called BlueMX Cities. At other locations (Non-BlueMX Cities), JetBlue contracts with business vendors to provide maintenance services on its aircraft on an as-needed basis. If an aircraft at a Non-BlueMX city requires maintenance work beyond that which a contract mechanic is capable of performing, JetBlue assigns its Line Technicians to the location to perform the work. These assignments are called “road trips” or “field trips.”

The Carrier provided the position description of the Maintenance Controller who is responsible for providing surveillance, control, and direction for all aircraft maintenance concerns at JetBlue. The position description lists the following essential functions of the Maintenance Controller:

- Uses real time aircraft monitoring applications to provide proactive resolution of in-service discrepancies.
- Central point of contact for front line Crewmembers, Business Partners and all other aircraft related matters.
- Authority and responsibility for the supervision and coordination of all unscheduled maintenance functions that are accomplished using JetBlue Airways procedures.
- Focal point within the [Systems Operations Center] for all aircraft maintenance related items and provides bidirectional communications to business unit members, as required by the general maintenance manual and internal operating procedures.
- Provides real time recovery support for aircraft that are out of service, liaises with front Line Maintenance, Aircraft on Ground, Engineering, Dispatch, Systems Operations and Flight to establish a recovery plan of action.
- Maintain constant surveillance of overall line station activity. Supports both JetBlue Line Maintenance and Contract Maintenance Business Partners in all matters regarding aircraft maintenance. Overall authority over the application of the JetBlue deferred maintenance process as outlined in the general Maintenance manual.
- Other duties as assigned.

JetBlue's General Maintenance Manual (GMM) provides that Maintenance Controllers are directly responsible for, and have the final authority in the decision-making process for the coordination and repair of aircraft that are out of service for maintenance reasons. The Maintenance Controller is the single point of contact for aircraft status, restrictions, and is the Technical Operations focal contact with respect to the rest of the airline. The Maintenance Controller is responsible for arranging and monitoring contract maintenance and inspections performed at Non-Blue MX Cities and coordinates the accomplishment of unscheduled maintenance discrepancies or any scheduled maintenance discrepancy that affects aircraft on time departure. Maintenance Controllers maintain continuous liaison with Systems Operations

and Dispatch for the planning and routing of aircraft requiring maintenance repairs and they monitor the overall maintenance activity of JetBlue's aircraft, providing rapid technical response and management decisions for maintenance problems.

Maintenance controllers maintain continuous surveillance over the airworthiness of JetBlue's aircraft fleet and identify technical problems, degradation of systems, or limitations on operations that may cause deviation from planned patterns of individual aircraft. They coordinate with applicable crewmembers during cold weather and are responsible for protecting the aircraft and aircraft systems. They determine the best course of action for the conditions affecting the aircraft and they have the primary responsibility for the dispatch of airworthy aircraft.

The Maintenance Controller has the authority to remove an aircraft from revenue service for maintenance reasons, and has the authority to override decisions made by the Maintenance Crew Leader in regards to aircraft maintenance priorities or maintenance actions. Maintenance Controllers provide technical guidance and coordinate requirements for parts, tools, and manpower to prevent or minimize delays due to maintenance issues. They monitor the MEL management program in accordance with the GMM. All requests for deferral of aircraft maintenance must be approved by the Maintenance Controller. Delays greater than five minutes and/or cancellations are documented by the Maintenance Controller who provides oversight of completion of all delays and cancellations.

Maintenance Controllers are required to have a Federal Aviation Administration Airframe and Powerplant (A&P) certificate, and at least six years of aircraft maintenance experience. Line Technicians at JetBlue frequently reach out to Maintenance Controllers for guidance on maintenance issues. During peak flying periods, there are approximately 300 telephone calls a day between JetBlue's frontline Technicians and the Maintenance Controllers. Maintenance Controllers are also in constant communication with Line Technicians during road trips to ensure the Line Technicians perform the work on a timely basis. They provide the Line Technicians with any parts, materials, or maintenance manual excerpts that Line Technicians need to complete the work. Once the Line Technician's job has been completed, the Maintenance Controller must review the work to ensure it is completed and done accurately;

and the Maintenance Controller is the one with the authority to determine whether the aircraft can be returned to service.

Maintenance Controllers have technical expertise in troubleshooting, diagnosing, and repairing the aircraft types operated by JetBlue. As such, Maintenance Controllers receive the same technical training as Line Technicians. Although Maintenance Controllers do not regularly perform line maintenance functions, they are trained to do so, and perform such functions from time to time. For example, in April 2020, Maintenance Controller Jaime Fernandez traveled to Southwest Florida International Airport (RSW) to perform maintenance work on an out of service aircraft. In December 2017 and September 2018, Maintenance Controller Lloyd Aycock performed maintenance work on aircraft at the Charleston International Airport (CHS). In the summer of 2020, Maintenance Controller Devindra Dhanaswar accomplished software upgrades on Electronic Engine Control Units on an aircraft parked at Pinal Airpark (MZJ) to resolve engine performance issues. Moreover, Line Technicians temporarily serve as Maintenance Controllers from time to time under JetBlue's Maintenance Control Temporary Duty Program, and many of JetBlue's Maintenance Controllers were previously Line Technicians.

AMFA did not dispute any of the evidence submitted by the Carrier regarding the Maintenance Controllers' duties and responsibilities, the environment in which the Maintenance Controllers work, and the extensive interaction between JetBlue's Maintenance Controllers and Line Technicians.

DISCUSSION

In determining the proper craft or craft 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. *Southwest Airlines*, 42 NMB 110 (2015); *Endeavor Air*, 41 NMB 281, 285 (2014). The factor of work-related community of interest is particularly important. *US Airways, Inc.* 31 NMB 324, 334 (2004). To evaluate this factor, the Board examines the actual duties and responsibilities of the employees, the environment in which the employees work, and the interaction among the employees involved. *American Airlines, Inc.*, 10 NMB 26, 39 (1982). The purpose of the community of interest test is to ensure that a particular grouping of employees "possess a sufficiently distinct community of interest and commonality of functional characteristics to ensure a mutuality of interest

in the objective of collective bargaining.” *Continental Airlines, Inc./Continental Express, Inc.*, 27 NMB 99, 109 (1999).

The Board makes craft or class determinations case by case, based upon Board policy and precedent. *USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988). While the Board has modified traditional craft or classes, as needed, to take into consideration facts unique to a given carrier’s operation, the vast majority of the Board’s craft or class determinations fall along traditional craft or class lines.

The Board has examined the scope of the craft or class of Mechanics and Related Employees in numerous decisions. *Airtran Airways, Inc.*, 31 NMB 45 (2003); *United Parcel Serv. Co*, 30 NMB 84 (2002). “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” *Eastern Airlines, Inc* 4 NMB 54, 63 (1965). It is this ‘functional’ connection between mechanical classifications and those employees who perform maintenance related operations that has historically formed a basis for this identity as a single craft or class.” *Id*; *Federal Express Corp.*, 20 NMB 360 (1993).

The Board has repeatedly found that Maintenance Controllers are part of the Mechanics and Related Employees craft or class. *See, e.g., Alaska Airlines, Inc.*, 49 NMB 37 (2022); *Endeavor Air*, 41 NMB 281, 285 (2014); *Frontier Airlines, Inc.*, 41 NMB 202 (2014); *NetJets Services, Inc.*, 39 NMB 299 (2012); *Southwest Airlines*, 38 NMB 87 (2011).

The facts in this case are undisputed and overwhelmingly show that JetBlue’s Maintenance Controllers are part of the Mechanics and Related Employees craft or class. The functional connection between the Maintenance Controllers and JetBlue’s Line Technicians is clearly evident in the duties and responsibilities of the Maintenance Controller, certificate and training requirements,² and the extensive daily communication between the Maintenance Controller and the Carrier’s Line Technicians. AMFA does not

² A comparison of the job descriptions of the Maintenance Controller and the Maintenance Technician found on JetBlue’s website show that both positions require a High School diploma or GED, a valid FAA A&P Certificate, aircraft maintenance experience, as well as similar requirements in acquiring and maintaining a valid Security Identification Display Area (SIDA) badge, passing a ten year background check and pre-employment drug test, etc.

dispute the common mechanical function shared by the Maintenance Controllers and Line Technicians. Instead, AMFA asserts that “if Maintenance Controllers at a carrier have demonstrated that they wish to be represented when they are not represented as they have here, and when there is no represented craft or class to which the Maintenance Controllers may be accreted to, then under the Railway Labor Act, the wishes of the unrepresented Maintenance Controllers should prevail” Notably, AMFA provided no legal support for its assertion, which is contrary to the fundamental principles and considerations underlying appropriate craft or class determinations under the RLA.

AMFA cited two cases, *Northwest Airlines*, NMB Case No. R-3383 (1959) and *Braniff International*, 5 NMB 205 (1974), to support its position that the Maintenance Controllers at JetBlue should be in a separate craft or class. Those cases, however, are distinguishable, as in each the Board merely certified the elections; it did not determine that “Maintenance Controllers” constituted a distinct craft or class. While AMFA conceded that “there is some . . . Board precedent” that conflicts with its position in this case, it failed to offer any argument or authority that would persuade the Board to ignore its numerous precedents that overwhelmingly place the Maintenance Controllers in the craft or class of Mechanics and Related Employees. AMFA asserts further that 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 Engineers,” and cited *United Airlines and Continental Airlines*, 40 NMB 205 (2013) and *Northwest/Delta Airlines, Inc.*, 37 NMB 88 (2009). Both cases are distinguishable from the case at hand in light of the fact that JetBlue is not a merged property, the functions performed by Simulator Engineers are not the same functions performed by the Maintenance Controllers at JetBlue, and those cases specifically discuss the lack of functional connection between the Flight Simulator Engineers and the Mechanics at those carriers. In this case, AMFA does not dispute any of the evidence provided by JetBlue that shows the strong functional connection between its Maintenance Controllers and Line Technicians.

Based upon the case law and the undisputed evidence cited above, it is clear that Maintenance Controllers perform maintenance-related work and share a work-related community of interest with the Mechanics and Related Employees craft or class. Accordingly, the Board finds that the Maintenance

Controllers are part of the Mechanics and Related Employees craft or class at JetBlue.

CONCLUSION

The Board finds that JetBlue's "Maintenance Controllers" do not constitute a separate craft or class but are part of the Mechanics and Related Employees craft of class. AMFA's submission of authorization cards for Maintenance Controllers does not constitute an adequate showing of interest for the Mechanics and Related Employees craft or class of which they are a part. Accordingly, NMB File No. CR-7230 is converted to NMB Case No. R-7575 and dismissed pursuant to §1206.4(b) of the NMB Rules.

By direction of the NATIONAL MEDIATION BOARD

A handwritten signature in black ink that reads "Maria-Kate Dowling". The signature is written in a cursive, flowing style.

Maria-Kate Dowling
Acting General Counsel