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VIA ELECTRONIC MAIL

John S.F. Gross
Investigator

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Investigator

Re: **NMB Case No. R-7669**
(NMB File No. CR-7265)
Alaska Airlines/AMFA/IAM
Eligibility Issues – Cleaners and Fuelers

Dear Sirs:

The International Association of Machinists (IAM) has argued that in the upcoming election at the single carrier, pre-merger Hawaiian Cleaners and Line Servicemen should be eligible to vote in the craft or class of Mechanics and Related Employees because they are currently covered by the same collective bargaining agreement (CBA). AMFA disagrees.

With respect to ongoing servicing of pre-merger Alaska aircraft, the IAM has effectuated the termination of the Cleaner job classification not just from the Mechanics and Related craft or class, but from the carrier as a whole *in perpetuity and irrespective of facts that might justify their inclusion.* Due to the IAM's actions, pre-merger Hawaiian Cleaners will be integrated into a single carrier where their job classification will be isolated and targeted by the carrier for outsourcing. Even in the absence of outsourcing, the IAM has negotiated CBA provisions that identify cleaning and fueling as Ramp Agent work, thereby making Cleaners and Line Servicemen vulnerable to encroachment on their work by IAM-represented employees in another craft or class.

Under the facts of this case, AMFA maintains the position that pre-merger Hawaiian Cleaners share a greater community of interest with the craft or class of Ramp Agent within which craft they would have a superior chance to protect against further encroachment on their employment security. AMFA, therefore, seeks to have individuals listed as Cleaners on the Carrier-submitted eligibility list excluded from the above-referenced election for the craft or class of Mechanics

and Related Employees. For similar reasons discussed below, AMFA takes the same position with respect to those employees listed in the Line Serviceman classification whose preponderant function is fueling and lavatory servicing.

FACTUAL BACKGROUND

IAM's Agreement to Outsource Alaska Cleaners' Work and Sever Cleaners From the Carrier

In 1985, the IAM agreed to allow Alaska Airlines to outsource cleaning and fueling work. (Oestreich Declaration ¶ 12). Currently, pre-merger Alaska's cleaning work is performed by McGee Air Services, Inc. ("McGee").

McGee is "an Alaska Airlines company," a wholly owned subsidiary, which refers to Alaska as "Our parent company." https://www.mcgeeairservices.com/about-us/. McGee's services are described in the following terms:

> While an aircraft is on the ground and parked at the gate, we provide a range of expert services: loading and unloading baggage and cargo, servicing water and lavatory waste, and moving and parking of aircraft.
>
> * * *
>
> McGee crews are responsible for quick and thorough cleaning of the passenger cabins of aircraft. This includes seats, tray tables, aisles, galleys, and lavatories.

https://www.mcgeeairservices.com/services/

Notwithstanding the use of McGee cleaners, lavatory servicers, and aircraft movers within Alaska operations, the IAM has agreed to their exclusion from *any* Alaska Airlines craft or class:

> The "Company" shall mean and be limited to McGee Air Services, Inc., a separate and distinct subsidiary of Alaska Airlines. *The Union agrees that it shall not argue that* the Company is a single transportation system with Alaska Airlines, Horizon Air, and/or any other certificated air carrier that is a subsidiary of Alaska Air Group, Inc. or any of its subsidiaries.

(Oestreich Declaration Exhibit A - Agreement Between McGee Air Services, Inc. and International Association of Machinists, Section 1.2).

Thus, Alaska Airlines and the IAM have circumvented the NMB's single carrier and craft or class criteria by agreeing that a wholly owned carrier subsidiary will never be considered part of the carrier irrespective of the level of carrier control. Consequently, Hawaiian cleaners will be joining a single carrier at which the dominant carrier's objective has been to permanently outsource their work with the complicity of the IAM. In resisting the extension of the same outsourcing arrangement to pre-merger Hawaiian operations, the Hawaiian Cleaners' economic

and negotiating strength has been diminished by the Alaska/IAM agreement that McGee cleaners cannot be deemed part of the single carrier.

While Hawaiian Cleaners and Line Servicemen are included in the same collective bargaining agreement as Aviation Maintenance Technicians (AMTs), none of the indicia that would support a finding of a community of interest exists:

- Cleaners and Line Servicemen do not share the AMT obligation to complete technical school and retain a Federal Aviation Administration (FAA) Airframe and Powerplant License;
- AMTs at Hawaiian do not share the same supervisory or management reporting structure as Cleaners and Line Servicemen;
- Cleaners and Line Servicemen share none of the recurrent AMT technical training requirements;
- The rates of pay of the Cleaner and Line Serviceman classifications at Hawaiian are distinct from those of AMTs and there is no contractual training or seniority basis that provides for Cleaners to transition into an AMT classification;
- The FAA has designated AMTs as safety sensitive employees who, like pilots, are subject to drug testing whereas Cleaners and Line Servicemen are not so designated;
- The amount of interaction between the AMTs and the Cleaner and Line Serviceman classifications is limited, and neither Cleaners nor Line Servicemen are cross-utilized to perform the technical work of AMTs.

(Oestreich Declaration ¶¶ 4–9).

In striking contrast to this bright line separation of AMTs and Cleaners within Hawaiian operations, the IAM has negotiated with *both* pre-merger carriers to permit other job classifications under separate CBAs to perform the Cleaners' work. Thus, under an IAM/Hawaiian CBA covering the crafts or classes of Clerical, Office, Stores, Fleet and Passenger Services Employees, the IAM has negotiated for the classification of Ramp Agent to perform both cleaning and fueling work. (Oestreich Declaration Exhibit B at Article 5.3(a)). Indeed, Ramp Agents may "be required to perform the duties of Cleaners …". (*Id.*). Under the same IAM/Hawaiian CBA, the job classification of Mainland Customer Service Representatives may also "be required to perform fueling of aircraft, aircraft cleaning …." (*Id.* at Article 25.2).

Worse still, as they are merged in a single operation, Hawaiian Cleaners will be subject to a pincer attack as a result of the IAM's contractual appropriation of cleaning work for its Alaska Ramp Agents. The IAM/Alaska CBA for the craft or class of Ramp and Stores Employees provides that the job classification of Ramp Serviceman "may clean the aircraft interior and exterior (including painting), place, clean, and arrange in aircraft all passenger service and galley equipment …." (Oestreich Declaration Exhibit C at Article 4.D).

Line Servicemen at pre-merger Hawaiian face a similar threat. Fueling at pre-merger Alaska has already been outsourced pursuant to an agreement entered into by the IAM in 1985. (Oestreich Declaration ¶ 12). Moreover, the IAM/Alaska CBA for Clerical, Office, Stores, Fleet and Passenger Service provides for three different job classifications, outside the Mechanics and Related craft or class, to perform fueling: Ramp Agents, Mainland Customer Service Representatives and Contract Service Agents. (Oestreich Declaration Exhibit B at Articles 5.2(a), 25.2, and 27.1). As with the Cleaners, Line Servicemen may have their job security subject to attack from pre-merger Alaska employees outside the craft or class of Mechanics and Related Employees due to the IAM's negotiation of contractual language providing that Ramp Servicemen may be "required" to fuel aircraft. (Oestreich Declaration Exhibit C at Article 4.D).

LEGAL ARGUMENT

The IAM has argued that pre-merger Hawaiian Cleaners and Line Servicemen should be eligible to vote in the craft or class of Mechanics and Related Employees because they are currently covered by the same CBA. However, the NMB has recognized that CBA craft or class designations for a specific job classification should be disregarded where members of the respective job classifications no longer share the same community of interest. *United Airlines/Continental Airlines*, 40 NMB 93 (2012). In that case, Simulator Technicians were separated from the craft or class of Mechanics and Related Employees in which they were previously included due, in part, to the fact that they received different training and had different reporting structures. *Id*. at 105.

The pattern of representation established by a CBA or private agreement between the participants is not binding on the Board in its determination of a representation dispute arising under Section 2, Ninth; rather, the Board's determination should be based on "current circumstances." *American Airlines/US Airways,* 42 NMB No. 15 (2015); *United Airlines*, 6 NMB 134, 140 (1977).

The NMB has identified the following as significant factors in identifying whether two job classifications share a community of interest and, therefore, should be included in the same craft or class:

- Licensing requirements (*PSA Airlines, Inc*., 52 NMB No. 10*, *54-5 (2024); *ExpressJet Airlines, Inc*., 44 NMB No. 36, *9-10 (2017); *Southwest Airlines*, 42 NMB 139, 143 (2015); *United Airlines and Continental Airlines*, 40 NMB 93, 105-6 (2013); *Delta Air Lines, Inc.,* 37 NMB 130, 136- 7 (2010); *Northwest Airlines, Inc./Delta Airlines, Inc*., 37 NMB 88, 110-11 (2009); *Continental Airlines, Inc./Continental Express, Inc.*, 27 NMB 99, 109-10 (1999)).
- Reporting structure (reporting supervisors and/or place in the corporate structure) (*ExpressJet Airlines, Inc*., 44 NMB at *9-10); *United Airlines and Continental Airlines*, 40 NMB at 105-6; *Delta Air Lines, Inc.,* 37 NMB at 1367; *Northwest Airlines, Inc./Delta Airlines, Inc*., 37 NMB at 110-11; *Continental Airlines, Inc./Continental Express, Inc.*, 27 NMB at 109-10).

- Training requirements (*United Airlines and Continental Airlines*, 40 NMB at 105-6; *Northwest Airlines, Inc./Delta Airlines, Inc*., 37 NMB at 110-11; *Delta Air Lines, Inc.,* 37 NMB at 136-7).
- Rates of pay (*Delta Air Lines, Inc.,* 37 NMB at 136-7; *ExpressJet Airlines, Inc*., 44 NMB at *9-10; *Continental Airlines, Inc./Continental Express, Inc.*, 27 NMB at 109-10).
- Locations where work is performed (*United Airlines and Continental Airlines*, 40 NMB at 105-6; *Northwest Airlines, Inc./Delta Airlines, Inc*., 37 NMB at 110-11).
- Similar skills (*Id.*).
- Subjection to drug testing (*Id.*).
- Amount of interaction between employees in the two job classifications (*Id.*).

As discussed above, under the facts as they exist today, not a single one of these NMB-recognized factors militates in favor of including Cleaners and Line Servicemen in the craft or class of Mechanics and Related Employees. (Oestreich Declaration ¶¶ 4–9).

Beyond the above the factors, the NMB must consider the "current circumstances" which place the work jurisdiction of Cleaners and Line Servicemen under siege from three different directions: (1) the outsourcing arrangements at McGee negotiated between the IAM and Alaska, (2) the cross-utilization permitted under the IAM/Hawaiian CBA for Clerical, Office, Stores, Fleet and Passenger Service Employees, and (3) the cross-utilization permitted under the IAM/Alaska CBA for Ramp and Store Employees.

AMFA's goal in submitting this eligibility challenge is not to "fragment" the Cleaners and Line Servicemen into a smaller craft or class but to unite them to another craft or class that has an existing interrelationship with the cleaning and fueling functions. Particularly with respect to the Cleaners, the IAM has already permanently fragmented the bargaining unit by agreeing never to argue that the McGee cleaners of Alaska aircraft, whom it represents, may be reunited with their Hawaiian counterparts. With respect to Line Servicemen, the NMB has previously included Fuelers in the craft or class of Fleet and Passenger Service Employees based on its finding that "fueling functions have long been recognized by the NMB as among the duties performed by fleet service employees at smaller carrier stations." *Aloha IslandAir, Inc.*, 25 NMB 444 (1998) citing *Memorandum Re Airline Industry Hearings,* 5 NMB 1, 4-5 (1970).

Unless Cleaners and Line Servicemen are united with other job classifications that are interrelated to, and contractually authorized to perform their work, they will be continually at a disadvantage as the carrier and the IAM chip away at their work.

Finally, AMFA seeks the removal from the eligibility list of a management employee, and an employee who has recently resigned, as set for forth in the attached declaration of AMFA Local 32 Airline Representative Brandon Statfield and Exhibit A to that declaration.

Sincerely,

Lee Seham

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