



## FROM THE DESK OF THE MEC PRESIDENT

JUNE 06, 2023

**Dear Fellow Flight Attendants,**

Hope everyone had a nice week after going through recovery mode from the Memorial Day weekend. Things have been quite hectic in both our Master Executive Council and HNL Local Executive Council Offices. Your LEC Officers and volunteers were working hard at providing a smooth transfer for the newly elected officers whose term begin on July 1. On the MEC side, I have been trying to wrap up the large Grievance reorganization project with the help of our MEC Grievance Chair, Jeff Fuke, and our AFA Staff attorney, Megan Havern. I feel pretty good that we will be able to wrap it up in the next weeks.

**'E kala mai.** One thing I'd really like to clear up is the way I may have characterized the grievance work that was done by my predecessors. I in no way intended to directly call out anyone on doing a bad job. My frustration with the entire AFA grievance system was the glacial pace at which many of the cases were handled. This goes back for decades. This was not the fault of any of the individuals working on grievances, but rather the procedures and processes that they were working under. My thought is that grievance work is THE way to ensure that our hard fought Contract provisions are upheld. The past procedures actually lent themselves to being okay to have something sitting out there for years.

By revisiting all the grievance files for the past 23 years, we can ensure that everything was addressed in a way that is legally responsible and close those files knowing that everything in the past has been buttoned up properly. The work of closing cases was done in the past, but there are grievances in which our attorney has found more follow-up work may be needed.

The good news is that at the end of this project we will have a concise and vetted review of all grievances for the past 23 years. Additionally, important information has been gathered that may be used in any future grievances with similar violations. It's surprising how many past grievances seem like ones in the present.

**Building a Better System.** By identifying the sticking points of how grievances can last for years or even decades, this is a perfect time to learn from the past and think of new ways to process any future grievances. So here's some ideas to better navigate any roadblocks.

- **AFA informs the company of a request to have a Hearing on a grievance.** Our Contract states that the company has 10 days to set up the initial Hearing.
  - And here comes **Choke Point #1**. Both the AFA and the company may have scheduling conflicts that can push the Hearing out for weeks, maybe months for both Initial and Appeal Hearings.
  - **Choke Point #1 Detour Idea: Set days.** The Union and the company can set aside 2 days each week, let's say Wednesday and Friday from 1400-1600 Local Domicile Time, to have grievance hearings. If there are none filed, then those days are freed up, but the expectation is that someone will be available. This structured time will work to move grievances through both the Initial Hearing and Appeals Hearing (if needed) phases in a timelier manner.
- **Appeal Hearing is done and the grievance has not been resolved to AFA's satisfaction.** Normally the grievance next gets submitted to the SBA (System Board of Adjustment) where it awaits a screening by the AFA to see if it should be taken to Arbitration.
  - Which brings us to, you guessed it, **Choke Point #2**. This seems to be where many grievances in the past are stockpiled until the MEC President, MEC Grievance Chair, or the AFA Staff attorney decide to review the list. In the past, various reasons were given as to which, if any, grievance would be sent to Arbitration, where an outside Arbitrator would decide the case. This is where grievances have sat on the MEC grievance pile "for days," in some cases up to 25 years! Cases

may be taken to the company after a while to see if any sort of settlement could be agreed upon, while others sit there waiting for what's to happen to them and when.

- **Choke Point #2 Detour Idea: Grievance Mediation.** The Union has the ability to use the Grievance Mediation Process which is outlined in our Contract. It's the 2<sup>nd</sup> Letter of Agreement in the back of the book, Section 34-2. This added step that happens before Arbitration involves bringing in a Mediator (much cheaper than an Arbitrator), who can then help the Union and the company to resolve any outstanding grievances. My thought is that instead of only being able to have one single grievance for an Arbitrator, the Mediator can assist the AFA and the company to come up with some sort of a way to resolve perhaps 8+ grievances at a time. Mediations can be pre-scheduled to occur every 3 to 4 months to clear off any backlog of grievances. This regularly scheduled process will help to keep the grievance piles moving along.
- **Arbitration, the Final Step.** Sometimes, no matter how much both sides try, there just isn't a meeting of the minds when it comes to Contract interpretation or the termination of one of our fellow Flight Attendants. These are the cases our AFA leadership with the guidance of our AFA Legal Staff, then decide to take the final step and submit the case for Arbitration. The most common Arbitrations involve terminations, although Contractual provisions are also argued in this final hearing by a third party judge. The Arbitrator's decision is generally the end of the road.
  - **Choke Point #3: Scheduling Arbitrations.** So how can the Arbitration process pose a roadblock? Well, you actually need to schedule them to make the process effective. Over the course of the last 15 years, there have only been a handful of them scheduled. Arbitrations can only clear up grievances if you have them.
  - **Choke Point #3 Detour Idea: Regularly scheduled Arbitrations throughout the year.** The annual calendar for our AFA Attorney, Megan Havern, can include Arbitrations scheduled every 3 to 4 months where the Arbitrators can be given noticed in advance and we don't have to scramble to see which Arbitrator from our joint AFA-HAL list is available with short notice. The AFA International Office knows this is our intention going forward and have provided an increase in our Arbitration budget for the coming year to support this effort.

**MEC Grievances.** Now that I've taken you down the nerd rabbit hole on why grievances seem to take so long, I would like to let you know that 2 MEC Grievances have been filed by our MEC Grievance Chair, Jeff Fuke.

- **46-99-2-8-23 / Scheduling Protests.** Contract Section 11.E.4. states that the Crew Scheduling manager will make every reasonable effort to investigate and answer Scheduling Clarification Requests (SCRs) within 7 days. There have been a few of these SCRs that haven't been addressed for up to a month. Rather than to let this just continue, the MEC wanted to have the company keep to the agreed upon timeframe in our Contract. The Hearing took place on May 25<sup>th</sup> and the company has 20 days to respond. (MEC Grievances only have one hearing)
- **46-99-2-8-23 / 31.E. Deadhead Seating Assignment Procedure Violation.** Our Contract has for decades had language stating that when there is an entire deadheading crew, Captains would be seated first, followed by all other crewmembers, Flight Attendants and Pilots, based on company seniority. The company has been providing all Pilots with First Class seats ahead of any senior FAs when everyone is doing the same job – sitting down for flight. The Hearing for this case will take place on June 6, this coming Tuesday. Stay tuned.

**AFA MEC Reserve Focus Group.** Last week there was the Reserve Forum conducted jointly by the company and the AFA. On the Union side, we have a truly dedicated group of volunteers who reached out to you all to collect those concerns that mattered the most to you so as to address them in the Forum. The company felt that the program we had put together was not in the spirit of the intent of the Reserve Focus Group Forum Letter in our Contract and felt a more open and streamlined session was more fitting. Questions were submitted beforehand, and the Crew Scheduling Managers addressed most of them.

Moving forward, the efforts and work of the AFA MEC RFG will continue to be supported. These are good kind people putting in a lot of their personal time to find the best way that those issues of most concern to the Reserves can be addressed. They will continue to canvas the Reserves through the coming weeks and I am looking forward to what is planned ahead. They have wonderful ideas.

**Nuff already.** So I am sitting here in the AFA Office on a Sunday evening thinking that I better put this Sunday Message out before it gets to be too late. (Sorry LAX) I want to thank all of you who have been supportive of our Union. We are at our best when we pick each other up. Here's to a great Summer season. Cowabunga!

**In Unity,**

Ka'imi Lee

AFA-CWA Hawaiian MEC President

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