



# Negotiations & You

Negotiations: Expedited Mediation



Fall 2011



Good  
for Flight  
Attendants.

Good  
for the  
company.

Association of Flight Attendants-CWA, AFL-CIO  
United Master Executive Council



[www.unitedafa.org](http://www.unitedafa.org)





# From the Desk of the President

October 28, 2011

Ladies and Gentlemen:

Expedited Mediation is about intense, focused negotiations for a defined period of time. This new expedited process also results in a very different dynamic at the negotiating table, although it is clear from the exchange of major issues, the mutual priorities of the parties have remained consistent.

We are seeking improvements for United Flight Attendants based upon your top priorities. These priorities were identified through three comprehensive Membership surveys, town hall meetings, roadshows, feedback through the Flight Attendant Negotiations Network (FANN) and input to your Local Council through face-to-face discussions. Not surprisingly they have remained firm and consistent from day one of our negotiations. We should recognize that these 12 major issues might not be everyone's personal top 12; however, the information is consistent and clear that these issues are the priorities of our collective Membership.

While we negotiate for improvements for our community, management continues to pursue productivity changes. We have made clear from the start, that for us to consider any productivity changes they will have to be structured in such a way as to be beneficial for Flight Attendants; and they cannot result in the devastating consequences of people being laid off. Our commitment to protecting the job security of our most junior Flight Attendants remains a paramount component in resolving any productivity proposals from management. Any proposed reductions to our population must be accomplished through voluntary programs such as an Early Out and other headcount mitigation programs; programs that give our Members opportunity and a choice.

In this Negotiations & You, you will review the 12 major issues that both AFA and United management bring to Expedited Mediation. We have provided a comprehensive review of how we have arrived at the Expedited Mediation process and the path forward to successfully reach an Agreement that you can support with your vote. Accomplishing this will provide immediate improvements for United Flight Attendants, and establish the foundation for Single Contract Negotiations to begin within 180 days following ratification of a Tentative Agreement.

Expedited Mediation is a new process and a fresh start towards a new Contract and creates negotiating dynamics that are markedly different. For example, just the determination of identifying 12 major issues has resulted in recognition that a spirit of compromise will be evident in an Agreement arising from this process. Additionally, the National Mediation Board's Senior Mediator assigned to our case has directed an aggressive interest-based approach to our discussions with management. An interest based approach works only when both parties to the negotiation work collaboratively towards an Agreement, recognizing the interests of each other and focusing on mutually agreeable solutions. It is clear that as part of these negotiations we will work to address some of their most important issues, but rest assured we will never lose sight of advancing Flight Attendant interests.

These negotiations will be extremely challenging and we face a great deal of dedication and work on both sides if we are to be successful. The time is now to move forward collaboratively and together to reach an Agreement which provides improvements and recognizes the priorities as identified as being key to our new Contract. Accomplishing this will provide the foundation upon which we build our negotiations for a Single Contract.

In Solidarity,

Greg Davidowitch





# Why Solidarity Matters

The power of our Union is only as strong as the number of Members who can be mobilized to action.

Solidarity is based upon interdependence with each other. Although it appears we sometimes have different values and interests, ultimately our top priorities are common ground. We cannot be passive observers during Expedited Mediation; we must take collective action and compel others to join our actions.

When you participate, you have a stake in our Negotiations. It is your involvement that ultimately dictates our final outcome. It is not enough to take part in one picketing event, go to one meeting or respond to one survey. Our Negotiators need you ready to take action to demonstrate our support for them at a moment's notice.

The entire purpose of these negotiations is to achieve meaningful improvements for United Flight Attendants – for You! There is only one Negotiating Committee at the table fighting for your priorities; one Negotiating Committee who listed Hourly Rates of Pay (Section 5.A) as one of their major issues. If you need a pay raise, stand behind the Negotiating Committee fighting for your interests in negotiations. We will not see the pay raise we want in a new Contract just by asking. Support your own interests and stand behind our AFA Negotiating Committee. Your involvement is key!

Display our Solidarity now:

- Wear your AFA pin every time you fly
- Tie a Gold Ribbon on the side handle of your crew bag
- Join the Flight Attendant Negotiations Network to get negotiations information first and direct from the Negotiating Committee. If you do not currently receive the FANN Update write to [engagemembers@unitedafa.org](mailto:engagemembers@unitedafa.org) with your name, file number and e-mail address
- Be a good source of Negotiations information and share the information from the FANN with each other face-to-face

These actions are the most powerful way you can demonstrate your commitment to your Flying Partners and management that we are dedicated to achieving Contract improvements in Expedited Mediation. Our power as a Union is in our numbers. Our Collective Action has a direct correlation to our future.

For example:

15,000 United Flight Attendants take collective action = a Tentative Agreement (TA) we will collectively be happy with.

10,000 United Flight Attendants take collective action = a TA we will be OK with.

8,000 United Flight Attendants take collective action = a TA no one will be happy with.

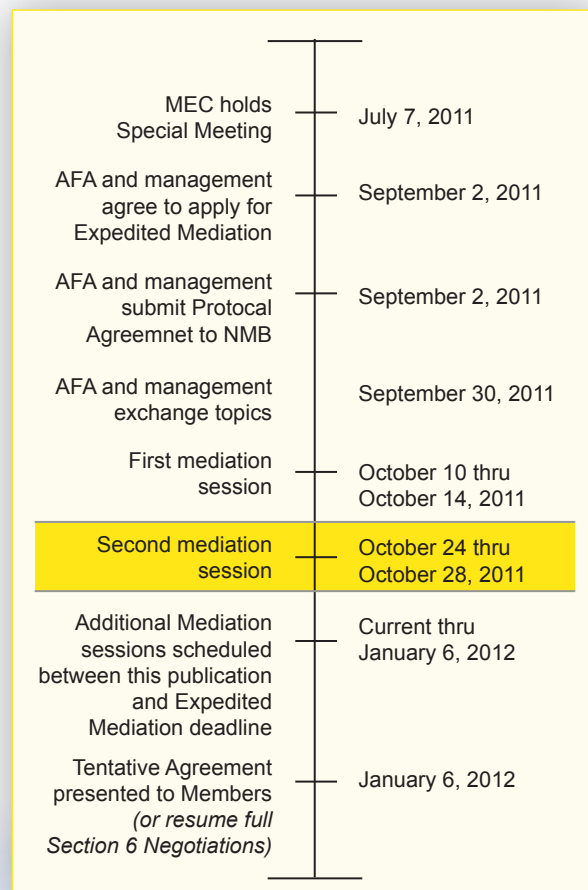
5,000 United Flight Attendants take collective action = potentially two more years in Negotiations purgatory.

A new Action begins right now with this Negotiations & You Newsletter.

- Sign the enclosed postcard. Drop it in your Local AFA box hand it to your Local AFA Leadership or drop it in the mail today.

Jeffrey Smisek has said a lot about working together since he arrived on the scene. This postcard is a challenge to Jeffrey Smisek to prove he is more than just talking the talk. Participate in this challenge, sign the postcard and increase our leverage in Expedited Mediation. Jeffrey Smisek can ignore a few of us; Jeffrey Smisek cannot ignore all of us.

Our Negotiating Committee is fighting for our collective Interests. If we get involved in the fight and take action to support them at the table; United Flight Attendants can win.



## Expedited Mediation Negotiations – Flight Attendants’ 12 Major Issues

Based on your consistent feedback prior to, and throughout the negotiations process, you have identified the top priorities of United Flight Attendants. These are the 12 major issues we are bringing to Expedited Negotiations. Your priorities were identified through 3 comprehensive Membership surveys, town hall meetings, roadshows, feedback through the FANN and input to your Local Council through face-to-face discussions.

Your priorities have remained firm from the inception of our negotiations. We should recognize that these 12 major issues might not be everyone’s personal top 12, however, all the information is consistent and clear that these issues are the collective priorities of our Membership.

Per the Protocol Agreement, a major issue will not be an entire Section of the Collective Bargaining Agreement (CBA), but instead will be a specific sub-section and/or provision of the current CBA and/or included in a previous proposal to be resolved during these negotiations. Neither party has the ability to “veto” the other’s issues.

<b><i>Hourly Rates of Pay (Section 5.A.)</i></b>	<b><i>Assignment of Open IDs (Section 9.I.)</i></b>
Increase pay effective January 07, 2010, with single pay scale and additional longevity step increases	Increase schedule stability with improvements to Reassignment provisions, including Reassignment pay and limitations on time frame for return to Domicile.
<b><i>Penalty Pay (Section 5.Q. – new)</i></b>	<b><i>Reserve Assignments (Section 10.C.)</i></b>
Pay for Contract violations	Improve Reserve control over schedule through preferencing of assignments and limits on Standby and conversions to Ready Reserve
<b><i>Expenses (Section 6.A.)</i></b>	<b><i>Special Reserve Legalities (Section 10.D.)</i></b>
Increase Per Diem	Improve Reserve quality of life and compensation by increasing minimum days off, Reserve guarantee and trade opportunities
<b><i>Legal Rest (Section 7.J.)</i></b>	<b><i>Vacation Pay (Section 18.K.)</i></b>
Improve minimum Legal Rest provisions for Domestic and International (12.M.) including Key-in-hand on layover	Increase pay for Lineholders and Reserves
<b><i>Minimum Duty Rigs (Section 8.A.)</i></b>	<b><i>Sick Leave (Section 19.A.)</i></b>
Increase compensation through higher guaranteed minimum pay and credit for hours on duty	Improve general Sick Leave provisions, including Occupational Benefits and associated attendance points
<b><i>Schedule Trading (Section 9.G.)</i></b>	<b><i>401(k) Plan Terms (Section 34.B.)</i></b>
Improve Flight Attendant schedule flexibility with trip trading improvements. Also includes limited testing of instant award for trades with Open Flying	Increase Company-paid direct contribution and match, and expand 401(k) investment options

## Expedited Mediation Negotiations – Company 12 Major Issues

The following is the list of the 12 major issues submitted by the company to be discussed during Expedited Mediation. Consistent with management’s approach throughout the Section 6 process the company’s 12 issues continue to focus on productivity, efficiencies and flexibility for the operation.

<b><i>Flight time and bid line limitations (Sections 7.A., 9.A.2./3., 10.H., 12.G.)</i></b>	<b><i>Lodging (Section 6.B.5. and Hotel Standards Letter)</i></b>
<b><i>8-in-24 and 30-in-7 (Sections 7.D./E.)</i></b>	<b><i>Accruals for low-time flyers (Sections 18.A./B., 19.A.)</i></b>
<b><i>Maximum Duty Day - Domestic and Hawaii (Sections 7.I.4., 12.A.2.)</i></b>	<b><i>Legal rest minimums – International (Section 12.M.1.)</i></b>
<b><i>RIGs (Sections: 8.A./B., N.1.)</i></b>	<b><i>Reserves (Sections 5.E., 7.G., 10.D.1., 12.U.)</i></b>
<b><i>On and off-line deadhead seating (Sections 11.B.2./3., 11.E.)</i></b>	<b><i>Holidays (Section 2.Q.)</i></b>
<b><i>Personal Time Off (“PTO”) (Section 4.V.)</i></b>	<b><i>Reduction in personnel –Voluntary Furloughs and Special Leaves (Sections 21.A., 23.B.)</i></b>

# *“Good for Flight Attendants. Good for the company.”*

## Background

In July 2011, the United Master Executive Council (MEC) conducted our regular Summer MEC Meeting. This was the first meeting following the successful election of the Association of Flight Attendants (AFA) as the representative for Flight Attendants at the new United Airlines.

On the heels of this election, United Flight Attendants had amassed a great deal of Solidarity, enthusiasm, energy and momentum; and were excited by the prospect of moving forward, together. The issue of representation had been decided, management’s last remaining obstacle in our negotiations was now behind us; it was time for a change in the dynamics of our negotiations.

On July 9th, 2011, the United MEC conducted a special meeting to deliberate how best to use this Solidarity in pursuit of a more aggressive approach to our Section 6 negotiations. While the MEC has continually met and evaluated our approach in negotiations since the beginning, there were two elements that provided us an opportunity:

- Our success in the representation election
- A new National Mediation Board (NMB) program for Expedited Mediation

*“Now is the time to recognize the value of the contributions Flight Attendants bring to the success of our company, and will provide a smooth path forward to single contract negotiations.”*

Our negotiations were at a crossroads. Using our energized momentum in an approach modeled after the new NMB program, we could create a process for reaching a resolution to our negotiations quickly on a limited number of items. This would set the platform for additional improvements and negotiations to follow in Single Contract negotiations immediately following the successful conclusion of our Section 6 process.

Unanimously, the MEC determined this was the right time and the right decision to advance our goal of achieving a Contract sooner rather than later that addressed the top priorities of United Flight Attendants. On July 10th, the MEC called on management to join us in working together to quickly reach a Section 6 Agreement.

## A Common Goal

Both AFA and United management share a common goal of achieving a new Collective Bargaining Agreement for Flight Attendants. The benefit to United Flight Attendants in reaching an Agreement is to achieve long-overdue improvements to our Contract now. A benefit for management is that the sooner we conclude our Section 6 process, the sooner they are able to work towards Single Contract negotiations. Only after we conclude these processes can management combine United, Continental and Continental Micronesia Flight Attendants. A Single Contract, a single Seniority List and a single airline is a scenario that provides everyone an opportunity to benefit from this merger.

## Protocol Agreement Reached

After reaching an agreement with management on the principals of an Expedited Mediation, we set about the work of putting together how the mediation sessions would be structured to provide the best chance for success. The result of these discussions was a Protocol Agreement, which was reached on September 2, 2011 that defined the structure and timing of the Expedited Mediation process. This Agreement specified that we would conduct intense mediation over a defined period of time, which focused on a limited number of issues.

AFA and management presented our Protocol Agreement to the NMB for their consideration to support our proposal. In order to receive the support of the NMB, our Agreement needed to be structured in such a way that the NMB believed there to be a high probability for successful resolution to our Section 6 process. Believing these criteria had been demonstrated the NMB agreed to dedicate their efforts, time and personnel towards this endeavor.

All three parties: AFA, United management and the National Mediation Board are committed to making this process work, and to provide the mechanism for a successful resolution. We are pursuing the right course, at the right time towards the right solution.

Our Protocol Agreement requires a minimum of 5-days per session, with more frequent meetings. Our Agreement also stipulates the number of major issues AFA and management may bring to the table is 12. A major issue will not be an entire Section of the Collective Bargaining Agreement (CBA), but instead will be a specific sub-section and/or provision of the current CBA and/or included in a previous proposal to be resolved during these negotiations. Neither party has the ability to “veto” the other’s issues.

***“Our ability to negotiate is directly related to the support of you standing firmly behind us at the table. We create the opportunity through negotiations; you provide the power to make it happen through our Solidarity.”***

## A Different Process

Expedited Mediation provides us with a path forward to achieving a Tentative Agreement (TA) sooner rather than later. Further, upon a successful conclusion to Expedited Mediation and a ratified TA, our community of Flight Attendants will begin Single Contract negotiations. Therefore, the decisions we make today set the foundation for the success of our future negotiations.

It’s important to understand that the process for Expedited Mediation is inherently different than the negotiating process we have been utilizing. For example, the parties will exchange proposals at the start of each session on the issues that have been placed on the agenda for that session. Accordingly, there were no comprehensive Opening Proposals exchanged with management prior to the start of these negotiations.

By design this process will move quickly and will require diligence and a spirit of good faith to reach an Agreement.

## NMB Adds Additional Support

In addition to our current mediator, John Livingood, the NMB has assigned senior mediator Patricia Sims to join the parties at the negotiating table.

Patricia Sims joined the National Mediation Board in November, 1997, as a Mediator. Currently, she serves the Board as a Senior Mediator, responsible for the supervision of half of the mediator corps and the administration of mediation cases in the airline and railroad industries. She also remains active as a mediator in airline and railroad cases, and as a trainer and facilitator in Alternative Dispute Resolution (ADR) cases.

Prior to joining the NMB, Ms. Sims was President of Conflict Management Systems, where she offered mediation services, facilitation, interest based training and dispute systems design. She is a certified mediator with the Supreme Court of Virginia and received her mediation training at Harvard Law School and the Private Adjudication Center affiliated with Duke University School of Law. Ms. Sims’ background encompasses extensive labor-management experience derived from 12 years in the airline industry. She held full-time Union positions with the Association of Flight Attendants from 1989-1995.

## The Power of Solidarity



This is an exciting opportunity and we are optimistic about the potential these negotiations provide for our community of Flight Attendants. Our ability to negotiate is directly related to the support of you standing firmly behind us at the table. We create the opportunity through negotiations; you provide the power to make it happen through our Solidarity.

By wearing your AFA pin every time you put on your uniform you demonstrate to management your support of our Negotiating Committee. This is a powerful message to management that we mean business and expect them to step up to the plate and get this done.

## ***Expedited Mediation Question & Answers:***

### ***Why did we wait to seek Expedited Mediation?***

The time was right.

This process is modeled after a new program implemented by the NMB earlier this year, with AFA being the first Flight Attendants to participate. The decisive vote for AFA as the representative for Flight Attendants at the new United also sets the stage for an opportunity to utilize the program at this time. We are all ready to see improvements to our current Contract sooner rather than later. We also set the stage for additional improvements in Single Contract negotiations to follow the successful resolution of our Section 6 process.

### ***How long is the Expedited Mediation process?***

The Expedited Mediation Process began with our first session on October 10, 2011, and will conclude no later than January 6, 2012.

### ***Where will the Expedited Mediation sessions take place?***

The negotiations will take place in the Chicago or Washington, DC metropolitan area, unless the NMB directs otherwise.

### ***What happens to the issues not addressed in Expedited Mediation?***

At the end of the process, any Provisions or Sections from the current Contract that have not been modified will be remain "book".

### ***What happens if Expedited Mediation produces a Tentative Agreement?***

If we reach a Tentative Agreement, that agreement will be reviewed by the United Master Executive Council (MEC) and then presented to the United Flight Attendant Membership for ratification.

### ***What happens if Expedited Mediation does not produce a Tentative Agreement?***

If Expedited Mediation fails to produce an Agreement or a if a Tentative Agreement (TA) does not ratify, we would return to the regular Section 6 mediation process we are in today.

### ***Why don't we just stay in Section 6 Negotiations?***

This Expedited Mediation is part of our Section 6 Negotiations. It is a tool within the Section 6 process.

### ***What is the likelihood of successfully reaching an Agreement in Expedited Mediation?***

AFA, United management and the National Mediation Board are committed to make this process work. We will continue to dedicate all appropriate resources to seek a successful conclusion to these negotiations.

### ***Will we, as the Membership, get to vote on a Tentative Agreement reached in Expedited Mediation?***

Yes, the Membership will get to vote to ratify any Tentative Agreement reached during Expedited Mediation.

### ***Why don't I see the issue of "Retro Pay" on this list?***

Retroactive "Retro Pay" is on the negotiating table. The issue of "Retro Pay" is in the "hourly Rates of Pay" (Section 5.A) by nature of these improvements being recognized as effective beginning from the January 7, 2010 amendable date of our current Contract.

### ***When could we have a new Agreement in place?***

If a Tentative Agreement (TA) is reached between AFA and management by the January 6th deadline and this agreement is ratified, we could have a new Agreement in place by the first half of 2012.





ASSOCIATION OF FLIGHT ATTENDANTS CWA, AFL-CIO

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### ***Negotiations-To-Date***

<i><b>Exchange of Openers</b></i>	April 6, 2009
<i><b>Joint Petition for Mediation</b></i>	August 7, 2009
<i><b>Months in Section 6 Negotiations</b> (including Expedited Mediation)</i>	31
<i><b>AFA and management agree on Protocol Agreement and petition NMB for Expedited Mediation</b></i>	September 2, 2011
<i><b>First Expedited Mediation Session</b></i>	October 10 – 14, 2011
<i><b>Additional Mediation sessions will be scheduled between this publication and Expedited Mediation deadline</b></i>	October 10, 2011 – January 6, 2012
<i><b>Expedited Mediation Deadline</b></i>	January 6, 2012

***“Reaching an Agreement  
that I can support and  
vote for, moves us one  
step closer to completing  
the merger.”***



***“The clock is ticking . . . let’s make these negotiations count.”***