

GRIEVANCE COMMITTEE UPDATE JULY-DECEMBER 2017

By Joni Kashiwai, LEC Grievance Committee

Happy New Year LAX! This update is long overdue – apologies for letting it sit on the back burner for way too long! The Committee would like to thank everyone for taking the time to file Scheduling Clarifications whenever there's a discrepancy or issue in question. It doesn't always resolve the problem immediately or change a questionable assignment, but it does hold the Company accountable for their actions and errors, many times resulting in compensation for the affected FA(s). And disciplinary issues aside, it's really the only way we will know when to file a grievance on any contractual violations. Please remember Section 11.E.3. outlines the process for filing timely Scheduling Clarification Requests (SCR) within seven (7) days of the protested flight assignment. **Filing outside of this timeline can result in the Company's denial of the protest and possible resulting grievance.

System Board of Adjustment (SBA) aka Arbitration:

- **46-47-02-24-17 Failure to Positively Contact FAs – Section 7.E.1.a.** The FA crew was not given proper notification of the change in flight departure time. Both pilots and passengers were notified. The published check in time should be honored as “positive contact” was not given. The grievance was heard on April 27, 2017, decision upheld the Company's position that the crew was given proper notification. An appeal was filed on May 4, 2017 and was heard telephonically with Inflight VP Robin Sparling on June 14, 2017. The decision by Robin Sparling upheld the Company's position. This issue was arbitrated on December 1, 2016 in Honolulu, HI. On July 14, 2017 Arbitrator Sylvia Skratek concluded that “...there is nothing in the Agreement that requires the Company to contact the Flight Attendant, positively or otherwise. There is however a practice that a good faith effort will be made to positively contact Flight Attendants when there is a delay.”

Grievances:

- **46-47-02-26-17 – Section 3.P. Return to Work.** Grievance filed for FA returning to work from a medical leave, available for assignment but replaced through no fault of her/his own and charged sick leave by the Company. Hearing scheduled for August 15, 2017, AFA prevailed, the affected FA was pay protected for the missed assignment, pay and credit.
- **46-47-02-60-17 -- Section 7.I.3.a. Recall Bypass.** Grievance filed for recall bypass as AFA felt the Company had sufficient time to fully staff the delayed flight. Hearing scheduled for December 14, 2017, AFA prevailed, the affected FA was compensated for recall bypass, pay no credit.

Scheduling Clarification Requests (SCR):

- **09-01-17 Section 12.N.2.c. Picking Up and Exchanging With Open Time.** SCR filed for the number of Reserves required per day to exchange groupings with Open Time. The Company's response refers to a formula used by Crew Planning to determine how many Reserve FAs are required per day. If the level falls below the designated number the exchange is denied. AFA has asked Crew Planning for this information and will be publishing to the membership shortly. The reply to this SCR is accepted.
- **09-04-17 Section 18.L.3. Vacation Cancellation/Make Up.** SCR filed for the parameters of

vacation make up and what priority FAs have when utilizing the vacation make up option. The Company's response correctly outlined the process and options from Open Time or Trip Request. The reply to this SCR is accepted.

- **11-04-17 Section 7.I.3.a. Recall Bypass.** During the Company's attempt to replace a crew on a significantly delayed flight FAs were not allowed the opportunity to accept the recall assignment due to the Company's supposedly lack of time to completely staff the flight and the flight went out understaffed. The Company's reply was not accepted, grievance was filed (see above).
- **11-04-17 Section 7.I.3.a. Recall Bypass.** A second SCR was filed for the same above recall assignment, however the recall bypass remedy was paid to the senior affected FA. The Company's reply to this SCR is accepted.
- **11-07-17 Section 19.H. Calling in Well.** SCR filed on the time required to call in well as 0900 HST or local domicile time. Section 19.H. states "9:00 AM of the day prior" and past practice has always been local domicile time. The Company's reply to this SCR is accepted.
- **11-08-17 Section 7.I.3.a. Recall Bypass.** A third SCR was filed for the same above recall assignment, however the recall bypass remedy was paid to the senior affected FA. The Company's reply to this SCR is accepted.
- **11-18-17 Section 7.I.3.a. Recall Bypass.** SCR filed for recall bypass. The Company's reply indicated incorrect contact information resulting in the affected FA being compensated for the missed opportunity to accept this recall assignment, pay no credit. The Company's reply to this SCR is accepted.
- **11-18-17 Section 7.D.2.a. Legal Rest Minimums.** SCR filed looking for clarification as to why the pick-up time in KIX was adjusted by 5 minutes. The Company's reply indicated it was adjusted to allow for the required 24 hours rest required in the above Section. AFA is still waiting for a reply from the Company for follow up information, SCR still unresolved.
- **11-28-17 Section 8.B.1.b./Section 12.M. Reserves Picking Up on Red-Circle Days off.** SCR filed for the Company's inconsistent application of the language involving a Reserve FA picking up groupings from one month into another. The Company's reply is not accepted, a grievance is pending.
- **12-01-17 Section 8.E.6. Order of Standby Callout Assignments.** SCR filed for a Reserve FAs request of "call me last" not being honored given being placed #4 on the reserve list. The Company's reply indicated 2 Reserve FAs did not respond to the callout resulting in a disciplinary "unavailable" and 1 Reserve FA was given a release due to starting the new month on a Bid at the HNL domicile. The Company's reply is accepted.
- **12-03-17 Section 7.I.3.a. Recall Bypass.** SCR filed for recall bypass. Section 7.I. outlines the language for voluntary recall as "...legal for the assignment on their day(s) off..." A FA must be legal for the entire grouping. The Company's reply to this SCR is accepted.
- **12-14-17 Section 7.I.3.a. Recall Bypass.** SCR filed for recall bypass. The Company's reply indicates a voicemail left offering the recall assignment, further providing AFA with a copy of the voice recorded message. The Company's reply is accepted.
- **12-21-17 Section 8.E.1. Standby Reserve FA/Callout Assignment.** SCR filed for issuance of disciplinary "unavailable" for standby callout assignment. FA received a voicemail but no actual phone call. The Company's reply is not accepted, AFA is waiting for a reply from the Company after producing phone log documentation, a grievance is pending.
- **12-28-17 Section 3.L. Holiday Pay.** SCR filed for Crew Scheduling error in not assigning a

Reserve FA on 12/25/17. Voluntary Recall was offered to bid FAs, however the Reserve FA missed out on the opportunity to fly and earn Holiday Pay. The Company's reply is not accepted, a grievance is pending.

- **12-29-17 Section 3. Delay in Return to Domicile Pay (DIRTD), Section 31.D.1. Waiving Legal Rest.** SCR filed for the Company's inconsistent application of the DIRTD pay and Waiving Legal Rest language that requires FAs "...to be paid and credited as if she/he deadheaded home as scheduled." The Company's reply is not accepted, a grievance is pending.
- **12-29-17 Section 8.B.1.b./Section 12.M. Reserves Picking Up on Red-Circle Days off.** SCR filed for a Reserve FAs denial of pick up on red-circle days off from Open Time. The Company replied a system error caused the denial and agreed to pay protect the Reserve FA for the missed opportunity to pick up the assignment. The Company's reply is accepted.

Any questions? Please reach out to any LEC officer or LAX LEC Grievance Committee members:

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