



TEAMSTER AVIATION PROFESSIONAL

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Deborah Hersman Visits San Francisco Airport

*Visit from National Safety
Council President Underscores
Importance of Aviation Safety*

On Jan. 20, 2016, National Safety Council (NSC) President and Chief Executive Officer Deborah Hersman visited San Francisco Maintenance Base. The primary mission of the NSC is to save lives by preventing injuries and deaths at work, in homes and among communities through leadership, research, education and advocacy. Hersman was the Chairwoman of the National Transportation Safety Board from 2009 to 2014 and is well respected for her long and distinguished career as a safety advocate.

After taking a tour of the maintenance base, Hersman met with base and union leadership and safety personnel in the employee communications center where she did a presentation on accident investigations. Afterwards, she answered questions from those in attendance.

“We want to extend our thanks to Ms. Hersman for taking the time to come out and engage with our folks,” said TAMC Chairman Chris Moore. “Thanks also to Mark Eldred and his team for hosting Ms. Hersman and coordinating the tour. I want to extend a special thanks to Teamsters Safety Committee Chairman Ralph Ortiz who facilitated the visit after having had the opportunity to meet Ms. Hersman at the Fall National Safety Council Labor Division meeting in Atlanta in September of last year. Her visit underscores the importance of the work we do and our union’s commitment to keeping everyone who uses an airplane safe.”

Mechanics Picket, Notify United of Possible Strikes



Mechanics Demonstrate at Airports, Investor Meeting

On Feb. 16, 2016, Teamster mechanics at United Airlines voted down United’s contract proposal by 93 percent. Mechanics also voted overwhelmingly to authorize a strike. Over 9,000 mechanics at United are represented by the Teamsters Union, which is petitioning the National Mediation Board for a strike release.

“When United was in bankruptcy, it terminated employees’ pensions with the promise that it would make workers whole with profit sharing when good times returned. Now United is earning record profits and spending billions to buy back stock, yet it is slashing mechanics’ profit sharing by two-thirds and offering mechanics only a 73-cent-per-hour net wage increase annually. Mechanics are rightly angry with United’s Board of Directors, and that’s why there may be strikes this summer,” said Capt. David Bourne, Director of the Teamsters Airline Division.

Over the past few weeks, hundreds of United Airlines mechanics have picketed at the San Francisco, Los Angeles (LAX), Newark, LaGuardia, Washington Dulles, Cleveland, Houston, Boston Logan and Orlando airports, to educate passengers about upcoming strikes. They’ve also picketed at JP Morgan head-

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Provisions Create Additional Oversight for Repair Stations

TAMC Language in House, Senate FAA Reauthorization Bills

The Teamsters, the Teamsters Airline Division and the Teamsters Airline Mechanics Coalition (TAMC) commend the inclusion of language sought by the TAMC in separate bills passed by both the U.S. House of Representatives and U.S. Senate.

The bills, which reauthorize and refund the Federal Aviation Administration, now both have provisions within their text to increase oversight at foreign aircraft repair stations. They also elevate standards for drug and alcohol testing at foreign repair stations, institute background checks for workers performing safety-sensitive functions at repair stations to ensure that they do not pose a threat to aviation safety and require foreign repair stations to adhere to higher safety standards when servicing U.S.-based aircraft.

“The inclusion of this language into these bills is a great example of the power of bipartisan cooperation,” said Jim Hoffa, Teamsters General President. “The Teamsters have been pushing lawmakers from both sides of the aisle to prioritize the needs of workers and the traveling public. These bills show that our hard work is paying off.”

“This is a big step forward for airline mechanics,” said Capt. David Bourne, Director of the Teamsters Airline Division. “These are commonsense measures that will go a long way in raising safety standards for everyone who uses an airplane. No matter what their party affiliation, it is important that lawmakers recognize that greater aviation safety benefits everyone.”

“This is the result of years of hard work, hours of meetings with lawmakers and miles of walking in the halls of Congress,” said Chris Moore, TAMC Chairman. “Thank you to everyone who made the journey to Washington to lobby on behalf of our cause. The flying public is incredibly grateful for your efforts.”

Mechanics Picket

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quarters in New York to warn investors that the strikes may affect United’s stock prices.

The mechanics held picket signs that read, “ON STRIKE – Not Yet” and distributed leaflets to United’s customers that read, “Passengers Brace for Summer Strike at UNITED.”

“We sacrificed a lot, including our retirement security, to save this company,” said shop steward Fred Wood, a 24-year mechanic at United in San Francisco. “The only winners here are United executives, who are enriching themselves with \$3 billion in stock buybacks to boost the value of their own stock options. Meanwhile, we’re basically being asked to pay for our own raises. We are loyal workers who have stuck with United for decades, and we’re out here today to let passengers know that we’re not going to let United abuse us anymore.”

“I am baffled as to why United, making record profits and flush with cash, would risk huge labor disputes going into the summer travel season,” Bourne said. “All these mechanics are asking is to be treated with respect for the highly skilled work they do and the sacrifices they made for years while the company was struggling.”



RESPONDING TO AN FAA INVESTIGATION

How to Respond, What to Do and Who to Contact

Everyone makes mistakes at work, even careful aircraft mechanics with decades of experience. Maybe the rules on placarding have changed three times in five years, maybe the manufacturer's manual differs somewhat from the company manual, maybe in combining two carriers work protocols have changed or maybe because of human factors a mechanic makes a mistake. Whatever the reason for the mistake, it is likely to be investigated by the FAA, and the mechanic will probably be contacted by an FAA Aviation Inspector. There are two ways the FAA might contact a mechanic: there could be an informal in-person contact—the inspector might approach or call the mechanic; or the inspector might issue a Letter of Investigation (“LOI”). The “Pilot’s Bill of Rights” provides that an airman is not required to answer inquiries in FAA investigations. But just because one has the right to do something or refuse to do something, that is not necessarily the best course of action. When the FAA controls your license to work, it is generally unwise to refuse to cooperate.

In the event of a personal contact, there is a judgment call to be made. On one hand, the mechanic is not legally required to talk to the inspector. On the other hand, if the mechanic refuses to talk to the inspector, the inspector will surely issue an LOI which will initiate a formal investigation. Sometimes the inspector is just looking for clarification or an explanation that will end the inquiry. By speaking to the inspector, the mechanic can end the inquiry without there being any record of an investigation. However, sometimes the inspector is gathering evidence for a certificate action and by speaking to the investigator the mechanic is helping the FAA build a record. So there is no easy answer to the question of whether the mechanic should speak to the inspector.

If you are contacted by an inspector making an inquiry about your work you will need to make a judgment call—you should ask whether this is an investigation, and the reason for the inquiry. You will need to make an assessment of whether the informal inquiry might help resolve the matter without a formal investigation. That assessment will in part be informed by what you know about the work that is involved. If you know that there was an error and that error has no good excuse, it is probably best not to try to talk it out with the inspector. If you feel that there was no error and can put any concerns to rest by an explanation, or you can demonstrate that it was a good faith mistake, it will be worth talking to the inspector. But the first thing to do is to call your local union for advice. Also, you will want to ask for a union representative to attend the discussion, although union representation is not a right in this situation (this is not like an employer directed investigation that might result in discipline that confers “Weingarten Rights”).

You will ask for the union representative to be present as your witness. If the FAA makes a record of the conversation, you will want someone to make a record on your behalf. You should make notes of what was said as soon as possible after

the conversation. If you do talk to the inspector, do not be beligerent or dismissive of the role of the FAA or negate the consequences of the error. Doing this will only hurt you. Do not beat yourself up for a mistake, don't say things like: “I should have known...” or “there is no excuse for that stupid mistake,” be civil and professional. Any acknowledgment of error should be calm and in perspective. Hopefully, a conversation with the inspector will resolve the matter. If not, you will be better prepared for a formal investigation with your contemporaneous notes.

In most cases contact with the FAA starts with an LOI. The mechanic receives a letter from the FAA inspector providing notice of the investigation which requests a response within 10 days from receipt of the letter (note: the time is measured from when the letter is received, not the date of issuance on the letter). The LOI will usually identify the aircraft, date and location the work was performed and the issue being investigated in very broad terms (such as—“you performed a _____ check on the aircraft”, or you “replaced _____ on the aircraft”, and it was later determined that this was not done properly). The LOI will invite a response, but will also include a Pilot’s Bill of Rights statement that a response is not required. While a response is not required, it is highly advisable. If it can be shown that there was no error, or if there is a good explanation, the matter may be resolved without a notice of proposed certificate action. If there is not a good explanation, but there is a clear statement of remorse, it can mitigate any certificate action that might be proposed. If the mechanic does not respond, the FAA will view the mechanic as lacking a compliant attitude and it is very likely that a certificate action will be proposed if there is no response to the LOI.

Once a certificate action is proposed, the FAA attorney has a limited amount of discretion in settlement discussions to reduce the sanction. In other words, if the proposed action is a long suspension, and there are grounds for sanction, there is little likelihood of reducing the long suspension to a short one. However, if the proposed suspension is a medium one, chances are better that it can be reduced to a short one. When there is no response to the LOI, the FAA will likely propose the longest suspension possible, but responding may result in a shorter proposed suspension. In responding to an LOI, the mechanic should consult with his or her union representative as soon as possible, provide a copy of the LOI and prepare a statement explaining what happened and identifying any mitigating circumstances. The union representative will then work with counsel, the TAMC License Protection Program, to prepare a response to the FAA’s investigation. Even when LOI responses do not resolve investigations, they are often effective in decreasing the severity of proposed actions.

One last point—always file a timely ASAP/ MSAP report and NASA form and always retain the NASA form receipt. In order to take advantage of deferral of a sanction you must produce the receipt from the NASA form. Note: In most cases the NASA form will be generated as part of the ASAP/ MSAP filing. You should check with your union ERC member to make sure.

Teamster Mechanics Win Charles Taylor Award

Thanh Pham, Don Earhart Honored for 50 Years of Service

The Charles Taylor Award is one of the most prestigious honors for an aviation mechanic to receive. Named for the first aviation mechanic in powered flight, a mechanic needs to be a U.S. citizen and to work as an aviation mechanic for a period of 50 years in order to be eligible for the award. Recently, two Teamster mechanics were honored with the Charles Taylor Award.



Thanh Pham

Pham's attraction to aviation began early in life, shortly after his first flight in what was then South Vietnam. Pham regularly rode his bike 10 miles for the chance of glimpsing an aircraft through the perimeter fence at the local airport. An aircraft technician noticed Pham's attraction and helped him land his first job in the aviation industry 54 years ago.

Pham received training at the Hong Kong Aircraft Engineering Company (HAECO) and worked for Air France, Air America, T.W. Smith Aviation, Ranger Aircraft and Arco Aircraft Sheet Metal in Houston prior to joining the airline 29 years ago.

Houston Base Manager Sinasi Stewart noted that, as Taylor did for the Wright brothers, Pham routinely makes tooling and other things for United mechanics in his own shop area at the base. "We all task him with special jobs," Stewart said. "Many times we don't even need to ask him. He'll find a need for a tool or an improved process, and away he goes."

FAA Houston Flight Standards District Office Manager Lance Little and Airworthiness Supervisor Robert Idema presented the award to Pham while his wife, daughter, daughter's husband and four grandchildren looked on. Pham's son and another daughter attended the event via Skype.



Don Earhart

Edward "Don" Earhart's 50 years of service to United Airlines earned him the prestigious Charles Taylor Award from the Federal Aviation Administration. Earhart began in Los Angeles in 1966, but was interrupted after he was called to serve in Vietnam as a helicopter mechanic and mission gunner.

After his military service, Earhart returned to the commercial sector where he's been a devoted United employee at Portland International Airport. Earhart's colleagues cite his integrity, intelligence and calm personality.

"It is a common sight to see administrators, leads, engineers and pilots consulting with Don thanks to his vast experience, knowledge and willingness to solve any problem, big or small," said PDX Senior Supervisor Paul Troike.

Troike, FAA Aviation Inspector Curt Cowley and Seattle-Tacoma International Airport Senior Manager Stuart McPeak presented the award to Earhart, who was accompanied at the ceremony by his wife Joan.



Teamsters Attend Spring FAA Infoshare

Infoshare Focuses on At-Risk Behavior

The Spring FAA Safety Infoshare was held in Philadelphia on March 15-17, 2016. Teamster safety representatives from United, Southwest and UPS were on hand to hear the latest updates and ask questions. The opening day consisted of conversations surrounding risk-based decision making and line operations safety assessment, plus other topics.

On the second day, the conversation turned repeatedly to what is at-risk behavior. Most companies believe that at-risk behavior happens when a mechanic believes that he or she is doing right thing,

but in fact is making a decision based on the wrong criteria. An example in one case involved a scheduled maintenance task that clearly required two technicians. The company only staffed the shift with one tech. To further complicate things there was no maintenance manual procedure for this job. The technician, faced with no help and a need to turn the aircraft, used his/her best judgement to complete the task and perform the ops check. The end result was that system was not fixed and the aircraft flew many legs with the system still inoperative.

Most concerning is that the company took no responsibility for setting the technician up for failure. The company felt that the tech should have stopped the job and requested an additional technician be called in to assist. In reality, the tech knew that getting help was not an option. Situations like these arise because of downward pressure on costs and the incredible pressure to make schedule. Most techs have been in situations like this at one point or another in our careers and had to make a judgment call.

As a tech, you must demand the tools, personnel and paperwork needed to successfully complete the job. Alert management to these situations and don't be a hero. Keep it on the ground until a solution can be found. The bottom line is, companies can create a culture that drives at-risk behavior and we as technicians must be vigilant in order to avoid these situations. Remember, only you can protect your license.

The FAA Infoshares have long been an excellent informational resource for mechanics and the TAMC is proud that our Teamster members are taking advantage of the educational opportunities provided at these meetings.

NEGOTIATIONS ROUNDUP

ExpressJet

During the Jan. 19, 2016 meeting at the National Mediation Board, the union offered to accept the company proposal from October 2015 as a separate agreement for the sub-Atlantic Southeast Airline (ASA) members of ExpressJet (XJT). The company rejected this offer and stated that they would be putting forward separate proposals for the sub-ASA and sub-XJT technician groups. ExpressJet attempted to create a false narrative that the union is trying to block the sub-ASA members from getting a pay raise in negotiations. Under the Railway Labor Act, the sub-ASA group has no status quo rights. If the company wants to give pay raises to the group it can legally do so immediately.

The company had been stalling throughout both direct negotiations and two years of mediated negotiations. After the Jan. 19, 2016 meeting it was determined that the bargaining will resume with the federal mediator presiding. The union was tired of the company sending low-level management personnel to the bargaining table who had no authority to bind the company to an agreement. The company agreed to send people with that authority to the negotiations and this is an important reason why the negotiations will continue in mediation in front of the federal mediator.

Mediated contract negotiations for an initial, standalone sub-ASA labor agree-

ment were conducted March 1-3. The union and company negotiators were directed to meet in Philadelphia, by National Mediation Board Federal Mediator Gerry McGucken. Present for the union were TAMC Chairman Chris Moore, Teamsters Airline Division Representative Bob Luciano, Local 210 Business Agent Mike Cline, Local 19 Business Agents and ExpressJet Negotiating Committee members Geoff Maloney and Chris Rogers. For the company Terry Vais, Chief Operating Officer, Bob Madigan, Vice President of Maintenance, Lon Ziegler, Director of Maintenance, Evan Leigh, Finance Department and Basya Joyner, Human Resources Department were in attendance.

NEGOTIATIONS ROUNDUP continued

The first order of business was to discuss the status of previous meetings. Both sides agreed on the eleven previous tentatively agreed upon contract sections. They are: Seniority, Filing of Vacancies, Reduction in Force and Recall, Hours of Service, Field Trips, Training, Safety and Health, Moving Expenses, Grievance Procedure, System Board of Arbitration and the Interim Agreement. The next step was to continue working on contract sections that had been discussed with proposals passed. Tentative Agreements were reached on: Leaves of Absence, Union Security and Representation and Classifications. Classifications had been a more contentious section and both sides were pleased to reach agreement on it. The General and Miscellaneous article was also discussed with proposals by both sides.

It was a productive week with good face-to-face discussion of differences rather than passing proposals back and forth. The Mediator's direction and effort had a positive impact on the week. The Mediator has directed the company and union to return to Philadelphia to resume negotiations on the week of May 9th.

NetJets

The negotiating committee met with the company from Jan. 12-14. The union exchanged proposals on Article 10 (Filling of Vacancies), Article 24 (General), Article 27 (Shifts and Days Off) and Article 31 (Seniority). The committee also worked internally on issues related to field service.

For the committee, it was a difficult week of negotiations and meetings with company personnel. The current management group at NetJets refuses to maintain five tracks of base maintenance at Port Columbus International Airport (CMH) as required by the 2007 Collective Bargaining Agreement. Bringing base maintenance back to CMH was a significant achievement for the committee during the last round of negotiations. Management at NetJets insists this is not what it agreed to back in 2007, and is implementing further regressive changes in scheduling, eroding trust between the two parties.

The negotiating committee met with the company March 8-10. In attendance for the union were technicians John Wolfe, Tom Freeman, Isaac Thielman, Fred Price, Local 284 President Paul Suffoletto, International Representatives Paul Alves and Chris Moore and attorney Jonathan Wentz. Proposals were exchanged on Article 10 (Filling of Vacancies), Article 22 (Job Classifications), Article 24 (General), Article 29 (Field Service) and Article 31 (Seniority).

Tentative agreements were reached on Article 10 and Article 29. We expect to finalize Articles 22, 24 and 31 after the parties complete their legal review. The union negotiators welcomed this long overdue progress at the bargaining table.

The committee reported that the current management group took ownership of the Hansell-era position that the five

tracks of base maintenance secured in 2007 was essentially nothing more than the right to stand around, tools in hand, and hope that management puts aircraft in the CMH facility. This position goes hand-in-hand with management's demand that the bargaining unit competes for work against lower cost mechanics in a race to the bottom. To date, management has not backed off its position.

Similarly, when proposals for Article 27 (Shifts and Days Off) were exchanged, management demanded the reinstatement of old schedule types that former maintenance managers and company negotiators claimed were the very reason mechanics didn't have enough work to do prior to the 2007 contract. The committee expects to bargain over Article 27 at the next session. It remains to be seen whether management changes its position on this important issue. The union will protect your work and job security through every lawful means available to us.

The union and its members are not willing to agree to concessions that were first made by a disgraced former CEO who declared a war on workers, their contracts and their unions. Instead, the committee has every intention of preserving what's good in the current contract and making real improvements where necessary. The focus is on securing the contract improvement expected and deserved by the membership.

Negotiations are scheduled to resume in the week of April 11.

TAMC ONLINE

Check out previous issues of the *Teamster Aviation Professional* at www.teamsterair.org/tamc/newsletter.

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