

GRIEVANCE PROCESS, LOCAL EXECUTIVE COUNCIL 43 (HONOLULU)

The following guide will speak to how grievances work on property. Of note, the Local Executive Council (LEC) Leadership reserves the right to review and adjust our internal grievance process and/or this guide as necessary. This guide is meant to be a resource for you. Of note, the history and intent of the Collective Bargaining Agreement will prevail for all matters unless there is mutual agreement between the Company and the AFA-CWA.

BACKGROUND

The AFA-CWA at Hawaiian Airlines has language in the Collective Bargaining Agreement (CBA, a.k.a. "Contract") for grievances. This is found in Section 23 titled "[Grievance Procedure](#)."

COLLECTIVE BARGAINING, cited from the [afacwa.org](#) website

Professional negotiators in the AFA Collective Bargaining Department are focused on obtaining the best Flight Attendant contracts in the industry. They assist each elected AFA Flight Attendant negotiating committee with contract negotiations every step of the way. With more than 100 years of combined negotiating experience, AFA's professional negotiators are able to leverage that experience in contract negotiations for Flight Attendants.

To access other airlines' contracts please [click here!](#)

AFA-CWA INTERNATIONAL RESOURCES

AFA-CWA Legal Department, cited from the [afacwa.org](#) website

The AFA Legal Department works to enforce and protect the rights of Flight Attendants. Our eight highly-experienced in-house attorneys are solely focused on the contractual and legal rights of our Flight Attendant members. AFA attorneys fight to enforce Flight Attendants' rights in court under federal law, and provide legal, strategic and policy advice at all levels of our union, from industry-wide legal and bargaining strategy to the latest legislative and regulatory policy initiatives, all with the exclusive goal of enhancing the Flight Attendant profession. Through grievances and mediation, AFA attorneys ensure that the language in our contracts is applied as was intended in negotiations.

The AFA-CWA attorneys and personnel can serve as either Staff Negotiator, Staff Attorney or both depending on their qualifications. Their role is determined by the AFA-CWA Legal Department.

Staff Negotiator: Paula Mastrangelo

Staff Attorney: Richard Wrede

Grievance Specialist

Our Grievance Specialist works out of the Chicago Field office. The specialist grievances and System Board of Adjustment cases for many of the AFA-CWA airlines. The Council 43 Team provides the basic grievance information and the Grievance Specialist then formats and distributes grievance letters to the appropriate parties. The Specialist helps to track contractual timelines and assists with any other work required for writing, organizing and filing paperwork.

While the Chicago Field office houses hard copies of our grievance work, there is a concerted effort to use electronic files to reduce paper waste and for easier access to files.

INTL Grievance Specialist: Anita Jwanouskos (Piedmont Airlines)

On-Line Education, cited from the [afacwa.org](http://www.afacwa.org) website

Leadership development and member education and activism continue to be a priority of AFA-CWA. We are committed to building and promoting member engagement...Leadership and learning are two halves of a whole and are vital to each other. AFA-CWA has developed an Online Learning Academy designed to broaden opportunities for training and education. Course content can be accessed using electronic devices such as computers, tablets or phones allowing AFA-CWA to reach out to both leaders and members using a supplemental educational setting outside that of a traditional classroom.

AFA-CWA grievance training link: <https://www.afacwa.org/education>

AFA-CWA at HAWAIIAN AIRLINES

MEC Grievance Chairperson

The responsibilities of the MEC Grievance Chairperson are articulated in the [Hawaiian Airlines Master Executive Council's Policy & Procedure Manual](#).

MEC Grievance Chairperson: Melissa Hooper Teshima, Los Angeles base (Council 47)

Email: Melissa.Teshima@hawaiianmec.org

LEC Grievance Chairperson

The LEC Grievance Chairperson coordinates the Grievance Team and work assignments. She/He/They consults with the LEC Leadership and the MEC Grievance Chairperson. Much like the MEC Grievance Chairperson, the LEC Grievance Chairperson does similar work on the local level.

LEC Grievance Chairperson: [previously Chasity Theno, Honolulu base (Council 43)]

As of this writing, we are in the process of vetting a LEC Grievance Chairperson.

Email: grievance@hawaiian43.org

LEC Grievance Team

With the flexibility of our schedules and the necessity for Representatives to best balance their work flying and AFA-CWA volunteerism, we encourage our Representatives to help when they can. This means that there is no requirement to volunteer X amount of days in the AFA office each month.

Our current process is to meet on one day each week to review Scheduling Clarification Review (SCR) forms. The Team is comprised of several Representatives and will include any one of the LEC Officers, when possible. As needed, we may confer and consult with:

- 1) MEC Negotiating Committee Chairperson;
- 2) MEC Grievance Committee Chairperson;
- 3) MEC Officers;
- 4) Staff Attorney;
- 5) INTL Legal Department;
- 6) Any necessary AFA-CWA resources; and
- 7) external Grievance Representatives.

Not one Council 43 Grievance Representative works on her/his/their own. We believe that a collaborative team approach affords better review and response to our Members.

Grievance Training

The Council 43 Leadership organizes regular training for our Grievance Representatives. Our training opportunities include, but is not limited to, sessions with our Staff Attorney, other AFA-CWA Grievance Chairs and representatives, as well as other grievance representatives outside of the AFA-CWA network.

We also encourage our Representatives to:

- 1) seek out educational opportunities;
- 2) actively participate in the development of our current grievance process;
- 3) work with the MEC Negotiating Committee Chairperson, MEC Grievance Chairperson and any other person in AFA-CWA leadership, past and present;
- 4) be leaders for the Membership encouraging contract education; and
- 5) disseminating background and information on the grievance process.

Grievance is an ongoing process and no one can learn what to do and how to do things in a short period.

Grievance Representative

Our Grievance Representatives are Members who stepped forward and volunteered to understand the grievance process. Each Representative goes through an introduction to the AFA-CWA structure, Council 43 expectations and internal grievance process. She/He/They will then complete the AFA-CWA grievance modules before assisting with grievance work. And finally, there is an evaluation period where both the Representative and the Leadership determines if this Team is a good fit for the Representative.

Types of Grievances

There are basically 3 types of Grievances. There are specific rules as to how each is handled. These categories are:

1. Contractual
2. Disciplinary
3. Other

Scheduling Clarification Review (SCR) Form

The Company's Scheduling Clarification Review (SCR) form is the tool provided for our Flight Attendants. There is basic information that is required for each form for the Company to properly research each inquiry. Complete information is necessary to reduce any confusion and to also help with the timely response by the Company.

Non-Scheduling Inquiries

It is important to note that the SCR form should be used for scheduling inquiries. In terms of other issues including but not limited to Preferential Bidding System (PBS), Vacation, Flica and pay issues, there are specific Company forms available for these inquiries.

For a more timely response, log on to the Company Sharepoint Single Sign-On (SSO) for their [Forms Page hyperlinks](#):

Preferential Bidding System (PBS)

Flica

Vacation

Pay

Sick Leave

or you can email People Relations: prm.inflight@hawaiianair.com

System Board Of Adjustment, cited from the 2020 Collective Bargaining Agreement

Jurisdiction

The Board shall have the jurisdiction over disputes between any employee covered by this Agreement and the Company growing out of grievances or out of interpretation or application of any of the terms of this Agreement. The jurisdiction of the Board shall not extend to proposed changes in hours of employment, rates of compensation or working conditions covered by existing agreements between the parties hereto.

The MEC System Board of Adjustment Chairperson works closely with the MEC Officers, MEC Grievance Committee, Staff Attorney and Staff Negotiator. She/He/They has a critical role in the SBA process. For more information about Section 23 - SBA, please [click here!](#)

MEC SBA Chairperson: Scott Henton, Honolulu base (Council 43)

Email: Scott.Henton@hawaiianmec.org

NON-DISCIPLINARY

Company Forms

There are several forms that the Company provides Flight Attendants for inquiries and concerns. It is important to use the correct form depending on the issue. There are occasions when Flight Attendants use the incorrect form. This mix-up may cause potential delays in terms of getting a response from the Company. We suggest that you ensure you are using the correct form for your inquiry. Various [Company Forms](#) and hyperlinks may include the following:

Scheduling Clarification

Preferential Bidding System (PBS)

Flica

Recurrent

Vacation
Pay and Benefits

Scheduling Clarification Review (SCR) Form

The most commonly used form is the SCR form. This form should be used when a Flight Attendant has an inquiry or concern. There are specific fields for information that will make it easier for the Company and AFA-CWA to understand the issue. The more information provided in the fields, the easier it may be for the Company and AFA-CWA to research. Much like other reports, we ask that you are clear and succinct in your description.

Payroll, Benefits, Vacation And Other Contractual Items

Any of these issues could also lead to a grievance. Therefore, it is important to ensure that the AFA-CWA has the necessary information to understand any possible violation. Unfortunately, the AFA-CWA does not have access to the Company programs and platforms. This means that we have to ask the Flight Attendant/s for information or rely on what is provided by the Company.

We have different committees that could help the Flight Attendant understand the contractual language and/or process on-property.

[Payroll and Benefits](#): the LEC or MEC Membership & Benefits Committee

[Vacation](#): the LEC or MEC Membership & Benefits Committee

[Flica](#): the MEC Scheduling Policy Committee

[Preferential Bidding System](#): the MEC PBS Committee

[Contractual Background](#): the MEC Negotiating Committee

LEC vs. MEC Grievance

When there is a potential violation that affects an individual, it may necessitate a LEC grievance, a MEC grievance or a tandem filing by both the LEC and MEC. The key factor is if there is disagreement with the Company on Contractual interpretation.

MEC grievance example: The Company is required to provide a hard copy of the Collective Bargaining Agreement to each Flight Attendant. The Company currently does not make this available to all Flight Attendants. The MEC will file a grievance because this violation affects all Flight Attendants at both bases and there is a disagreement with the Company regarding the contractual language.

LEC grievance example: The Company denies short hotel rest for a crew. This is a LEC Grievance because it impacts one crew and should be a one-off.

LEC and MEC tandem grievance example: The Company denies short hotel rest for a crew. However, they have also changed the practice of granting short hotel rest. A change in the Company's contractual language policy that is a disagreement regarding the contractual language then becomes a MEC grievance. If need be, both the LEC and MEC could file a tandem grievance.

Grievance Team

Our Grievance Team is comprised of several volunteers. These volunteers are able to choose if they are comfortable doing disciplinary or non-disciplinary work. In the past, several of our Grievance Representatives expressed difficulty doing disciplinary work. Therefore, we did not require any representative to do work that they were not comfortable doing.

As a result of this distinction, we have Grievance Representatives who solely focus on contractual work. We also have Grievance Representatives who only do disciplinary work. And then we have representatives who are comfortable doing both.

In terms of our non-disciplinary work, we work as a team. Our collective reviews each SCR form, discusses the merits, and then responds accordingly. Not one individual works alone for non-disciplinary work.

As for our disciplinary team, each case has a primary and secondary Grievance Representative. We have a team approach in order to best assist Flight Attendants going through this process.

Throughout the process, the Grievance Representatives will provide updates to the Flight Attendant through phone calls and/or emails.

Hearing Request

When the Grievance Team believes that the Company violated the Contract, we prepare the necessary information and then forward it to our International (INTL) Grievance Specialist who works out of the AFA-CWA Chicago Field office.

The Grievance Specialist prepares and then distributes the grievance request according to the parameters in our Contract. The specialist also tracks timelines and helps the council for any advice, paperwork or organizing needs.

Once the Company receives the grievance letter, they then work with the AFA-CWA to schedule the hearing. Depending on availability, we work to ensure that all necessary parties are agreeable to the date and time of the hearing.

Hearing

The AFA-CWA has the burden of proof for non-disciplinary hearings. Therefore, the AFA-CWA will present their case first. The Company will then follow. Throughout the hearing, the Hearing Officer can ask questions of both parties.

The Company has the burden of proof for disciplinary hearings. Therefore, the Company will present their case first. The AFA-CWA will then follow.

Hearing Decision

The Hearing Officer has 10 days to provide a hearing decision. The 10 days starts the day after the hearing.

Appeal Request

If the AFA-CWA is not in agreement with the hearing decision, we then file for an appeal. The Grievance Team will prepare the necessary information and then forward it to the INTL Grievance Specialist. The specialist then prepares and distributes the appeal request according to the parameters in our Contract. The specialist also tracks timelines and helps the council for any advice, paperwork or organizing needs.

Once the Company receives the appeal letter, they then work with the AFA-CWA to schedule the hearing. Depending on availability, we work to ensure that all necessary parties are agreeable to the date and time of the hearing.

Appeal

The Vice President of In-Flight (VP) or designee presides over the appeal.

Appeal Decision

The VP or designee has 10 days to provide a hearing decision. The 10 days starts the day after the hearing.

DISCIPLINARY PROCESS, GENERAL

The bulk of this information will apply whether you are identified as a possible witness or if you are a Flight Attendant who is under investigation.

Notice Of Investigation (NOI)

1. Company receives a report about an incident
2. An In-Flight performance manager is assigned to the case; this person will be the point of contact throughout the investigation.
3. Company initiates the investigatory process by generating a Notice of Investigation (NOI).
4. The designated In-Flight Performance Manager will call the Flight Attendant advising that a NOI was sent in the mail.

Meeting Preparation

1. The NOI will provide the date of the reported incident, flight number (if applicable), and any other identifying information for the Company investigation.
2. It is possible that the reported incident could have taken place weeks or even months before the incident is reported to the Company.
3. Writing down your recollection and revisiting it from time to time may help you remember details if and when the Company asks you questions.

Understanding The Company Policies And Procedures

1. Much like other businesses, the Company has House Policies and Procedures.
2. It is the responsibility of each employee to understand where to locate the policies and procedures as well as their own responsibility as a company employee.
3. Reviewing any and all Company material will help you understand what is expected of you as an employee.

4. It is suggested that each Flight Attendant take the time to review anything that may help in understanding the Company's investigation process.

Various references may include, but is not limited to:

1. The Company Handbook (Ka`ike Pono);
2. The In-Flight Manual; and
3. Any/all resources the Company provides employees.

Meeting With The Company, Logistics

1. The Flight Attendant has the option to attend the meeting alone, with a Company employee of her/his/their choosing or with an AFA-CWA representative. [note: The Company employee cannot be a conflict of interest in the investigation.]
2. The Flight Attendant and manager agrees to a date and time for the meeting.
3. The meeting is scheduled on a Flight Attendant's day off; generally not on weekends or holidays.
4. The meeting is scheduled for 2 hours and can take more or less time.
5. The Company may provide a virtual option or in-person option.
6. If the meeting is virtual, the Flight Attendant needs to ensure that Microsoft Teams is available on the Flight Attendant phone or computer.

Meeting With The Company

1. When the meeting begins, the assigned performance manager ("lead") will cover introductions for all participants in the room.
2. There will be a note-taker for the Company – usually another performance manager ("secondary").
3. The lead manager will go over the meeting format reading from a script.
4. The secondary manager is present as a note-taker, witness and provides back-up for the lead manager.
5. The Flight Attendant will then have time to review the Attestation form and also Company's No Retaliation policy.
6. Once the Flight Attendant reads and understands the information the Company provides, she/he/they will sign the paperwork before the meeting begins.
7. The Company will ask predetermined and ad hoc questions throughout the meeting; the Flight Attendant is required to be truthful and honest per Company policy (House Rules).
8. Towards the end of the meeting, the Flight Attendant has an opportunity to provide a statement to the Company.
9. The Flight Attendant has the opportunity to review the statement and make any edits.
10. Once the review is complete, the Flight Attendant will sign the paperwork.
11. The meeting is then concluded.

Company Review – this is the process for the Flight Attendant being investigated

1. The Company will gather any witness statements as well as the statement from the Flight Attendant who is being investigated.
2. They will then review all statements and determine if additional information is needed or if the investigation is complete.

3. If the Company needs additional information, they will gather it.
4. If they have what they believe that they need, they will then advise the Flight Attendant:
5. That there was no violation and the case will be closed;
6. That there was a violation, but the case can be closed with a counsel; or
7. There were possible violations and the case will go to a hearing.

Close Of Investigation (COI)

1. When the Company concludes their investigation, they generate and send COI letters.
2. The bulk of these letters are sent to Flight Attendants who are witnesses to a reported incident.
3. If a Flight Attendant was under investigation and the investigation is concluded, she/he/they may get a COI.

Investigation Timeline

1. There is no designated timeline for incident investigations.
2. The Company strives to gather all information necessary for the investigation.
3. Some cases may take weeks while others may take months to investigate.
4. If a witness or Flight Attendant being investigated has any questions, she/he/they make contact the assigned performance manager for an update.

Hearing Notice

1. Once the Company determines that a Flight Attendant may be in violation of Company policies or procedures, they will generate and send a Charge Letter and Notice of Hearing.
2. The assigned performance manager will give the Flight Attendant a courtesy call advising her/him/they that the Charge Letter and Notice of Hearing is enroute.
3. This letter will be sent to the Flight Attendant via certified mail per the Collective Bargaining Agreement.

Hearing Process

1. The Hearing Officer presides over the hearing; this person is a Company employee who should be a neutral party.
2. The Hearing Officer will do introductions for those in attendance and then go over the process and expectations for the hearing.
3. The Company will present a case against the Flight Attendant.
4. The Flight Attendant then will present a case on her/his/their behalf.
5. Throughout the hearing, the Hearing Officer can ask questions.
6. The Company or Flight Attendant can take breaks throughout the hearing (bio/bathroom, caucus to discuss items, etc.).
7. At the end of the hearing, the Hearing Officer will ask if anyone in the room has questions.
8. After that, the Hearing Officer will review the applicable timeline.
9. The hearing will then conclude.

Hearing Decision

1. The recent process is that the assigned Performance Manager will receive a copy of the hearing decision.
2. That manager will then reach out to the Flight Attendant to agree on a meeting date and time to review the hearing decision.
3. The meeting is in-person and the Flight Attendant will also receive an unofficial hard copy of the decision Flight Attendant via U.S. Postal Service.

Appeal Process

1. If the Flight Attendant does not agree with the hearing decision, she/he/they can request an appeal.
2. There is a timeline for the appeal request defined in the Contract.
3. Once the appeal request is made, the Vice President of In-Flight (VP), usually through an executive assistant, will schedule the appeal hearing.
4. The VP can designate another Company executive to preside over the appeal.
5. For the appeal hearing, the Flight Attendant has the burden of proof. This means that the Flight Attendant will present a case first and the Company will follow.
6. Throughout the hearing, the VP or designee can ask questions.
7. The Company or Flight Attendant can take breaks throughout the appeal hearing (bio/bathroom, caucus to discuss items, etc.).
8. At the end of the appeal hearing, the VP or designee will ask if anyone in the room has questions.
9. After that, the VP or designee will review the applicable timeline.
10. The appeal hearing will then conclude.

Appeal Decision

1. If the Flight Attendant does not agree with the appeal decision, the case could be sent to the MEC Grievance Screening Committee.
2. The MEC Grievance Screening Committee meets at least quarterly to review all cases that could be considered for the System Board of Adjustment.

Master Executive Council (MEC) Screening Committee

1. This MEC Screening Committee should meet quarterly but could meet more frequently.
2. The MEC Screening Committee reviews the merits of each case.
3. After going through the case folder, they will vote on how to proceed.
4. In order for a case to move to the System Board of Adjustment calendar, the Committee must vote unanimously in Flight Attendant for of the case.
5. If the Committee is not in Flight Attendant for of the case, they will then release the case to the Flight Attendant to pursue on her/his/their expense.
6. For more information about this process, please contact the MEC Grievance Chairperson.

Asking For AFA-CWA Representation

1. The Company advises all Flight Attendants in an investigation that they can ask for AFA-CWA representation.
 2. It is the Flight Attendant's responsibility to contact the AFA-CWA to request representation.
- Once there is positive contact between the parties, the AFA-CWA then reviews the meeting, hearing or appeal process with the Flight Attendant.
 - The AFA-CWA Representative will be the point person communicating with the Company on the Flight Attendant's behalf to reduce confusion and scheduling mishaps.
 - The AFA-CWA Representative will also relay any necessary information to the Flight Attendant.
 - The AFA-CWA Representative will also help to prepare a presentation for the hearing.
 - If the case goes to appeal, the AFA-CWA Representative will also help to prepare a presentation for that phase of the grievance process.
 - It is important to note that the case will only be as good as the information that is available to the AFA-CWA Representative.
 - Therefore, it is important to help the process by being honest and forthcoming about the reported incident in order to best assist the Flight Attendant in the grievance process.

