



**Hawaiian Airlines  
Flight Attendants**



# **STRIKE VOTE INFORMATION**

A background image showing a group of people at a protest or strike. Some individuals are holding signs, one of which partially reads 'DON'T START HERE'. The image is in a sepia or brownish tone.

## **CONTRACT NOW**

**WE GO THROUGH THESE STEPS  
BECAUSE **IT'S THE LAW.** THIS  
COMMUNICATION EXPLAINS THE  
**IMPORTANCE OF A STRONG STRIKE VOTE**  
AND THE PROCESS WE MUST NAVIGATE**

# Strike Vote Information for HAWAIIAN Flight Attendants

We are going through these steps because it's the law. It explains the process we must navigate under the Railway Labor Act.

A TWO-PART SERIES: NEGOTIATIONS IN THE AIRLINE INDUSTRY... How's it work?

## PART 1: Direct Negotiations, Federal Mediation, Proffer, and Self Help

**PART 2:** Role of strikes in getting agreements and AFA's trademark brand of striking known as CHAOS™.

What is the Railway Labor Act? It's the law that governs the negotiations process – specifically, “Section 6” of the Act, which is why we refer to contract negotiations as “Section 6 Negotiations”. It is important to have a basic understanding of how this law impacts our bargaining: why things happen the way they do, and what is legal and not legal at different times in the process.

*As we move toward a strike vote, it's time to focus on how the process works...*

## PART 1: Direct Negotiations and Federal Mediation

### STEP One: Direct Negotiations: January 2017 - October 2018

Negotiations means direct discussions between our union and management. Both sides pass written proposals back and forth ... literally across the bargaining table, usually dealing with entire sections of the contract at a time. If an agreement is reached, it is called a “full tentative agreement”, meaning it is not final unless the members vote to approve it.

### STEP Two: No Deal in Direct Negotiations, Now What?

**AFA and Company file for Mediation in August, 2018**

If no agreement is reached in direct negotiations, either side may ask the National Mediation Board (NMB) for mediation services. The NMB is the government agency that oversees all airline negotiations. AFA and management jointly filed for mediation in August, 2018.

### STEP Three: How does Mediation Work?

*The National Mediation Board (NMB) & Mediation: Federal Mediation: begins November 2018*

**What is the NMB?** The federal agency that oversees our negotiations. The Board's three members are appointed by the President of the United States. The Board assigns and directs the professional mediators who assist the parties in negotiations.

At Hawaiian, AFA and management requested mediation in August of last year and we are currently in mediation. That means that a federal mediator actually sits in on our mediated negotiations and attempts to assist both parties in reaching an agreement.

#### **What power does the mediator have?**

- controls when and where the parties will meet
- may recess (that means we don't meet) a case from time to time if it is deemed appropriate
- There is no time limit for the mediation process
- Mediators cannot "force" either side to agree to anything

**How long does mediation take?** Mediation continues until a tentative agreement is reached or until the NMB determines that further mediation would be pointless because the parties are at impasse. This takes either months or years, but it is greatly influenced by the leverage created through member actions and unity.

*During mediation, we rely on our solidarity to put pressure on management and encourage progress. If management knows we are united, they will want to reach an agreement rather than deal with the consequences of not reaching an agreement.*

**What is Impasse?** Impasse occurs when the NMB believes that an agreement cannot be reached in mediation.

When the NMB believes that both sides are at impasse, the Board makes a "Proffer of Arbitration" to the parties. This is an offer to resolve all remaining issues through binding arbitration. This means that an outside panel of arbitrators would decide what our new contract would be. Since control is taken out of the parties' hands and the members would not get to vote, AFA would not accept this outcome. If either side rejects the "Proffer of Arbitration," the NMB releases the parties from mediation to a **30-day Cooling-Off Period**—the countdown to "Self Help."

*We do not actually want arbitration, but requesting arbitration and then rejecting it is required under the law to get to a strike!*

#### **The 30-Day Cooling Off Period – How's it work?**

The 30-day cooling off period is designed to give the parties time to consider the consequences of failing to reach an agreement and to continue mediated negotiations. The NMB uses the mediation process to help the parties reach agreements and to avoid a resort to "Self Help" whenever possible.

**The end of the cooling-off period is commonly referred to as the "strike deadline."** During the cooling-off period, the NMB invites the parties to further mediate their negotiations. These meetings are often referred to as "super mediation" and are usually attended by one of the three National Board Members of the NMB in Washington, DC. Generally, the meetings are called at or near the end of the 30-day cooling-off period.

## ***What else can happen?***

### **Presidential Emergency Board**

At any time during the 30-day cooling-off period, the NMB may notify the President of the United States that, in its judgment, an agreement cannot be reached and that a strike may threaten to substantially interrupt interstate commerce and transportation. The President may then interrupt the “30-Day” clock and appoint a “Presidential Emergency Board” (“PEB”). The PEB is a panel of arbitrators which has 30 days to conduct hearings with the parties. The hearings are similar to the binding arbitration discussed above. The PEB then issues a proposed settlement (in other words, what they think the contract should look like) If either party rejects the proposed settlement, the countdown clock continues.

### **Congress May Get Involved**

Finally, Congress may also intervene and mandate an Agreement legislatively—actually make a law that states what our contract will be. This drastic power has never been used in the airline industry.

This is an important reason we work to elect a president and members of Congress who understand the importance of providing an opportunity to negotiate fair wages, benefits, retirement and work rules.

The strike deadline provides a new incentive for the parties to reach an agreement. Only now, finally, do the significant consequences of NOT reaching a deal come into play. Both parties feel the pressure of self help: If they have not reached an agreement by the end of the strike deadline, either party can begin self help.

### **What is Self Help?**

- For the union, self help means engaging in activities that may inflict economic harm on the company, up to and including a CHAOS strike. [link to video]
- For the company, self help includes the right to impose their changes to our Contract, or to lock us out (that is, prevent us from coming to work—in effect, a reverse strike).

The strike options possible under the RLA present powerful options to unions.

**Coming in Part 2: Our Strike Vote and CHAOS**

## **PART 1:** Negotiations, Mediation, and getting to a strike

## **PART 2: AFA's trademark brand of striking known as CHAOS™ and the importance of a Strike Vote**

What is the Railway Labor Act? It's the law that governs the negotiations process – specifically, “Section 6” of the Act, which is why we refer to contract negotiations as “Section 6 Negotiations”. It is important to have a basic understanding of how this law impacts our bargaining: why things happen the way they do, and what is legal and not legal at different times in the process.

## **PART 2: Role of a Strike and AFA's CHAOS Striking**

### **Recap of Part 1:**

#### **Our Path so far...**

- January, 2017 - Direct negotiations during which the union and management teams exchange proposals
- August, 2018 - If progress stalls, either party can ask the National Mediation Board (NMB) for mediation assistance
- November, 2018 - Negotiations enter the mediation phase: A federal mediator is assigned to attend negotiations meetings and assist the parties. The mediator cannot force either side to agree to anything.

#### **What lies ahead...**

- If mediation fails completely, three NMB Board members may determine that the parties are at “impasse”
- Impasse - no further progress can be made
- “Proffer of Arbitration” – offer to settle all issues by an outside panel of arbitrators
- If offer rejected, mediated negotiations are put into a “30-Day Cooling Off Period”
- Strike Deadline is at the end of the 30-Day Cooling Off Period
- At the end of the 30 days, if there is no agreement, the parties are free to engage in “Self Help”. The union is free to strike and management can impose work rules.

### **SELF HELP and CHAOS™ – Now What?**

- Prior to any CHAOS™ strike, the National Mediation Board would have to release the Hawaiian Airlines Flight Attendants to strike following the end of a 30-day cooling off period.
- By law, the NMB exhausts all opportunities to reach an agreement prior to offering a proffer, so typically even during the 30-Day Cooling Off Period the NMB schedules more high-level meetings (“super mediation”) before the Strike Deadline.



## **Right to Strike with CHAOS™ Watch the [CHAOS VIDEO](#)**

In the event of a legal strike, we would use CHAOS™ tactics. This allows us to implement a strike with minimum risk for Flight Attendants and maximum impact on the company.

### **AFA-CWA's CHAOS™ Strategy**

CHAOS™ is AFA-CWA's trademarked strategy of intermittent strikes and other non-traditional work actions. It is an integral part of our campaign to get a good contract. CHAOS™ is an important weapon in our arsenal.

CHAOS™ will be unique. It could take the form of an intermittent strike against a few flights or an all-out strike for a day or a week or hours might be the best tactic. No one will know in advance. One of the most powerful aspects of the CHAOS™ strategy is our ability to adapt it to the specific circumstances of our campaign - keeping airline executives and the public off balance. We use the element of surprise and take advantage of weakness in the company's strategy.

### **[The First CHAOS™ Campaign Video](#) - *click to watch***

The first CHAOS™ campaign began when AFA contract negotiations with Alaska Airlines broke down. Management positioned the company for a strike and, after the end of the 30-day cooling-off period, imposed drastic cuts in work rules, pay and pension, and even a non-union shop. Nearly 500 office workers from the airline's headquarters were trained to take over Flight Attendant's jobs, and the company hired hundreds of additional scabs ready to go to work as permanent replacements.

AFA's 1500 Alaska Flight Attendants weighed the effects of a traditional, all-out strike against such forceful odds. Instead, AFA created an innovative strategy of intermittent strikes and other work actions that would Create Havoc Around Our System. CHAOS™ threatened to strike targeted flights anytime, anywhere and without notice. The message was straightforward: if you fly Alaska, expect CHAOS™.

### **The CHAOS™ Message at Alaska**

Thanks to CHAOS™ picketing, rallies, onboard leafleting and nearly non-stop media coverage, passenger traffic fell dramatically before a single Alaska Airlines flight was struck. Management was forced to fly its replacement Flight Attendants (mostly office workers) on nearly every flight for almost two months, anticipating random strikes by CHAOS™ strikers. This emptied headquarters and brought a halt to all normal office work, causing further disruption to the company.

Hundreds of labor activists from other unions supported the Flight Attendants. Some wore green CHAOS™ t-shirts and leafleted passengers onboard Alaska Airlines flights, others were arrested for civil disobedience for picketing and a sit-in outside company headquarters.

The media blitz generated by CHAOS™ has since become a hallmark of our most successful campaigns. CHAOS™ overcomes media stereotypes about strikes with nearly endless coverage of the creativity, and the element of surprise, central to every CHAOS™ campaign.

## **AFA Wins: Court Rules CHAOS™ Legal**

As the campaign at Alaska Airlines gained momentum, twenty-four Flight Attendants struck seven flights targeted by AFA over a period of nine months, with no advanced warning. The CHAOS™ strikers persisted despite threats, discipline and illegal suspensions. Faced with management's threat to fire the next striker, AFA won an injunction in federal court, including an order to reinstate – with full back pay – those strikers who remained on suspension. The court upheld the Union's legal right to implement intermittent strikes citing protection under the Railway Labor Act. The CHAOS™ strategy had won protection under the law.

Two weeks after the court ruled, and on the eve of another wave of CHAOS™, Alaska Airlines management capitulated and signed a new contract with AFA via fax machine. Under the agreement, Flight Attendants won top-of-the-industry pay; some received as much as a 60% pay increase. The Alaska Flight Attendants won major improvements in work rules, duty and rest provisions. The Union shop clause, abolished by management eight months earlier, was restored.

## **CHAOS™ Success Continues**

After CHAOS™ proved so successful at Alaska Airlines, AFA Flight Attendants have used this strategy at other airlines. Successfully at America West in 1999, and at US Airways in 2000, the threat of CHAOS™ was enough to help win contract settlements. At Midwest Airlines the Flight Attendants won a strong first contract just weeks after the end of the cooling-off period. CHAOS™ succeeded there even before a single flight was struck.

CHAOS™ provokes strong reactions from airline executives. Some have taken extreme measures to counteract CHAOS™: unbolting seats and removing them from every aircraft (to require fewer Flight Attendants); announcing they would cancel the entire schedule rather than risk CHAOS™ strikes; double crewing flights as a hedge against a walk out. Nothing they have tried has proven effective, and in the end all have reached agreements with AFA on new contracts.

## **The Lessons of CHAOS™**

**CHAOS™ works** because it is creative, taking advantage of our strengths and management's weaknesses to maximize our impact and minimize our risk.

**CHAOS™ works** because it appeals directly to the passengers' self-interests. Traditional strikes and picket lines are often resented or ignored by the public. By contrast, passengers learn quickly from media coverage of CHAOS™ that their flight might not depart, or it might not get them home. That element of surprise forces them to alter their travel plans once CHAOS™ begins. CHAOS™ will be particularly effective at a point-to-point carrier such as Hawaiian.

**CHAOS™ works** because of our solidarity and the support we receive from our Union and from our sisters and brothers throughout the labor movement.

**CHAOS™ works** because it can be adapted to any situation. Intermittent strikes are just one form of CHAOS™. An all-out strike might work better in some situations. But CHAOS™ always brings an element of surprise that is not part of traditional strikes. That element of surprise makes it more

powerful, and keeps management from developing an effective strategy to counter CHAOS™. Our ultimate strategy at Hawaiian is limited only by our creativity and our willingness to do whatever it takes.

## The Strike Vote: How does this work?

The Hawaiian Master Executive Council (LEC Presidents for HNL and LAX and the three MEC officers) meets with the AFA International President to determine if a STRIKE VOTE is needed. *The timing of any strike vote is a strategic decision calculated to achieve the best possible contract.*

A strike vote is a gauge of our commitment to getting the best contract possible. It sends a clear message to management, and the public, of our willingness to fight for our fair share.

At Hawaiian, we have put our economic proposal on the table, and received the company's initial response. Management is demanding concessions and their current proposals in 401(k) and medical insurance premium \$\$ hikes would wipe out the raises they have on the table. While we have not yet scheduled a strike vote, it is important for all members to be aware of the process.

### Don't Go Rogue

Important point: the process outlined so far is the legal procedure to reach an agreement under the Railway Labor Act. Sometimes when negotiations heat up, some members may decide it would be helpful to pressure management by withholding certain services: Pau Hana cart, credit card applications, organized sick calls, etc. This is prohibited under the Law.

**It is very important to stick to the game plan.** Federal judges are very strict on interpreting the Railway Labor Act and those types of activities prior to the Strike Deadline can be deemed as self help. Flight Attendants engaging in self help prior to the Strike Deadline can be disciplined and the union sued. We have a game plan to win a fair contract.

**A strong strike vote sends a clear message.** It says that we are 100% committed to the fight for the contract we deserve. Conversely, a weak vote sends the opposite message. Which message do you want to send to management?

### Other AFA Members with A Strong Strike Vote

**Compass:** Flight Attendants at Compass, also owned by Trans States, voted overwhelmingly to strike in 2012 while negotiating their first agreement. Armed with the strong strike vote, Compass Flight Attendants were able to return to the bargaining table and reach an agreement which was ratified by the membership.

**PSA:** Took a strike vote, requested a proffer and reached an agreement before proffer was granted. Agreement ratified.

**Spirit:** Took a strike vote and requested a release to strike from the NMB. The request was denied, however with a renewed threat of a strike vote and two of management's offers voted down, a TA was reached with significant improvements and ratified by high percentage.



**Mesa:** Facing years of stalled negotiations, Mesa Flight Attendants voted to strike in March 2017. Mesa Flight Attendants went back to the bargaining table with the full support of AFA-CWA and the entire labor movement. After months of pressure tactics, including leafletting of passengers of United and American Airlines, Mesa Flight Attendants reached an agreement which was ratified in September 2017 and included major improvements in pay and work rules.

**Midwest:** Took a strike vote, requested a proffer, received a proffer, went through the 30-day cooling off period and reached an agreement after six weeks of sustained CHAOS which impacted the company's revenues. Despite daily picketing and constant press coverage, Flight Attendants did not even have to strike a single flight.

**Miami:** First contract: Took a strike vote and reached an agreement without requesting a proffer. Second contract: Took a strike vote, requested a proffer and reached an agreement before proffer was granted. Both agreements ratified. Third contract: took a strike vote and reached a tentative agreement which is currently in the ratification process.

**Piedmont:** Took a strike vote, requested a proffer, 30-day cooling off period interrupted by 9/11; postponed end of cooling off period by mutual agreement, reached an agreement on the last evening. Agreement ratified.

**USAirways:** Took a strike vote, requested a proffer, received a proffer, went through the 30-day cooling off period, reached an agreement after extending the end of the 30-day cooling off period by a couple of hours. Agreement ratified.

**America West:** Took a strike vote, requested a proffer, received a proffer, went through the 30-day cooling off period, reached an agreement after extending the end of the 30-day cooling off period by a couple of hours. Agreement ratified.

**Alaska Airlines:** Took a strike vote, requested a proffer, received a proffer, went through the 30-day cooling off period, did not reach an agreement. Company imposed work rules. AFA threatened and implemented a series of CHAOS strikes and achieved significant pay and work rule improvements. New Agreement ratified overwhelmingly.

**Frontier Airlines:** Took a strike vote in November 2018. With a 99% FOR vote, combined with monthly pickets and actions for over a year were able to win major improvements in pay and work rules. contract ratified overwhelmingly

**Hawaiian Airlines:** Coming soon....

*Throughout the process, and especially as the mediator evaluates the status of our talks, a public showing of our solidarity is absolutely critical. Through our collective action, management and the National Mediation Board must understand clearly that we stand firmly behind our Negotiating Committee and that we are demanding a great contract with Hawaiian.*