



# AFA Hawaiian Airlines Flight Attendants



# STRIKE VOTE INFORMATION



## Vote to Strike



Strike Vote Open Date: October 28, 2019 12:00 PM EDT

Strike Vote Close Date: November 20, 2019 3:00 PM EDT



Association of Flight Attendants-CWA, AFL-CIO | [afacontract2017.org](http://afacontract2017.org)



October 1, 2019

For over three years, we have fought at the bargaining table for a contract that recognizes our value as Flight Attendants at Hawaiian Airlines. Now, it's time to take the next step in our fight for a new contract. That step is a strike vote.

We have fought for over fifty years to build up what was once a short-term job into a career that we all love and enjoy – a career that allows us to sustain ourselves, our families, and now hopefully will allow us to retire with dignity and peace of mind: a fair reward for our many years of dedication to Hawaiian Airlines.

Hawaiian management seems to think that we must pay for our raises in our next contract. They have proposed several concessions; however, management must know that we, the Hawaiian Airlines Flight Attendants, are unified in fighting to get the contract we deserve!

To ensure the success of our negotiations, it's critical that management to hear us loud and clear. We will do whatever it takes to fight for the contract we deserve.

Our pilots voted 99% "FOR" to a strike vote in 2016. Now, it's our turn. We encourage you to vote "FOR" on the strike vote. Together, we will win our struggle for the contract we deserve.

In solidarity,

Sharon Soper

AFA Hawaiian MEC President

Jaci-Ann Chung

LEC President, Council 43

Scott Henton

AFA Hawaiian MEC Vice President

Melissa Teshima

LEC President, Council 47

Joni Kashiwai

AFA Hawaiian MEC Secretary-  
Treasurer

# **Strike Vote Information for Hawaiian Flight Attendants**

*Negotiations Process Under Section Six of the Railway Labor Act*

Negotiations, mediation, and AFA's trademark brand of striking known as CHAOS™.

## **Direct Negotiations**

The first step in the negotiations process is direct discussions between management and the union. The parties pass proposals back and forth. If an agreement is reached, and if the members approve it, it becomes the contract. If no agreement is reached, either party may petition the National Mediation Board for mediation.

## **The Mediation Process**

*Mediation & the National Mediation Board*

When progress stalls, either the union or management may file for mediation. AFA petitioned mediation in July of last year and our bargaining is currently in mediation.

The NMB is 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 when negotiations break down. Our assigned mediator actually sits in on negotiations sessions with us.

The mediator establishes when and where the parties will meet and may recess a case from time to time if it is deemed appropriate.

There is no time limit for the mediation process. 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.



Mediation continues until a full tentative agreement is reached or until the NMB determines that further mediation would be pointless because the parties are at impasse. Impasse occurs when the NMB believes that neither party will make any further moves. 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 mediator, must understand clearly that we stand firmly behind our Negotiating Committee and that we are demanding a great contract with Hawaiian.



When the NMB believes that the parties are at impasse, the Board makes a “Proffer of Arbitration” to the parties, proposing to resolve the remaining issues through binding arbitration. Typically, one or both parties (though almost always the union) lobby the Board for the proffer. This is not because we actually want arbitration but because it is simply the next step in the process.

*If both parties did accept the Proffer*, then the NMB would appoint a panel of arbitrators. AFA and management would present their positions, and the arbitrators would decide what the new contract would be. This process is binding, and the new agreement would be imposed on both parties without a ratification vote.

Since control is taken away from the parties, unions rarely accept this option. Although other unions may occasionally accept a proffer, AFA has never done so. 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.”

### **The 30-Day Cooling Off Period**

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 help the parties reach agreements and to avoid a resort to “Self Help” whenever possible.

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 the negotiations. These meetings are often referred to as “super mediation” and are usually attended by one of the three members of the NMB. Generally, the meetings are called at or near the end of the 30-day cooling-off period. The Self Help deadline provides a new incentive for the parties to reach an agreement. Both parties feel the pressure of Self Help: If they have not reached an agreement by the 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 strike.
- For the Company, Self Help includes the right to unilaterally impose their changes to our Contract, or to lock us out (that is, prevent us from coming to work—in effect, a reverse strike).

## 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.

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 our industry, but it is yet another reason we work to elect presidents and members of Congress who understand the importance of protecting our right to negotiate fair wages, benefits, retirement, and work rules.

### **AFA and CHAOS™**

AFA has committed to provide Hawaiian Airlines Flight Attendants full information about the process of reaching an agreement under the Railway Labor Act, the role of strikes, and in particular AFA's trademarked form of striking— CHAOS™. Information is empowering and having the answers is essential

The information below explains AFA's powerful CHAOS™ strike strategy in detail. 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 must exhaust all opportunities to reach an agreement prior to granting a release so typically even after that point the NMB schedules more high- level meetings prior to granting a release.



### **Right to Strike with CHAOS™**

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 management.

### **AFA's CHAOS™ Strategy**

CHAOS™ is AFA's trademarked strategy of intermittent strikes, other non-traditional work actions, and it is an integral part of our



public contract campaign. CHAOS™ is an important weapon in our arsenal.

The form CHAOS™ takes is unique at each carrier. Where an intermittent strike against a few flights might work best at one airline, an all-out strike for a day or a week might be the best tactic somewhere else. One of the most powerful aspects of the CHAOS™ strategy is our ability to adapt it to the specific facts of our campaign- keeping airline executives off balance with the element of surprise, and taking advantage of weakness in the company's strategy.

### **The First CHAOS™ Campaign**

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, they turned to an innovative strategy of intermittent strikes and other work actions that would Create Havoc Around Our System, (CHAOS™), threatening to strike targeted flights anytime, anywhere and without notice. The message was straightforward: if you fly Alaska, expect CHAOS™.

### **The CHAOS™ Message**

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 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.

### **Federal 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 advance 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, and the Union shop clause, abolished by management eight months earlier was restored.

### **CHAOS™ Revisited**

After CHAOS™ proved so successful at Alaska Airlines, AFA Flight Attendants have used this strategy at other airlines. 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 less 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 agreement with AFA on new contracts.

### **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.



## A Strong Strike Vote

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 a 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.

**Piedmont:** Took a strike vote, requested a proffer, 30-day cooling off period interrupted by September 11, 2001; 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 and, with 99% voting FOR a strike, soon after reached an agreement on significant wage and work-rule improvements.

**Hawaiian Airlines:** Coming soon!



## Questions and Answers

### **Why are we taking a strike vote?**

We need and deserve a fair contract. To get management to make a fair offer, we need to demonstrate that the Flight Attendants are united and that the membership supports the Negotiating Committee. A strike vote is far and away the most effective way to increase our leverage at the bargaining table.

### **Can we strike right away if members vote for it?**

No. Taking a strike vote does not mean that we are able to strike right away. Under the Railway Labor Act, which governs negotiations in the airline industry, Flight Attendants are not free to strike until released by the National Mediation Board. We have not been released nor have we yet requested a release to strike.

### **Will the NMB release us to a 30-day-cooling off period and give us the right to strike if management fails to reach an agreement with us?**

We cannot answer this question with a simple yes or no. The NMB certainly could release us if it determined that we were at impasse. It could also “recess” our negotiations, meaning that the mediator schedules no further sessions until one or both parties agrees to make significant movement. We don’t want that to happen. To get to a release (or better yet, to get management to make a fair offer), we need to show the Board that we are unified and that we will do what it takes to get an agreement we can ratify.

### **Assuming we vote for a strike, what would have to happen before we could strike?**

*The following steps would have to be exhausted before a strike could occur:*

- The NMB would continue to schedule mediation dates. We’re still in mediation.
- Either the union or management could request a Proffer of Arbitration.
- The NMB would decide whether to issue a Proffer of Arbitration or continue mediation sessions, or recess the parties.



- If the NMB issues a Proffer of Arbitration and one or both parties reject a Proffer of Arbitration, then the NMB would “release” the negotiations to a 30-day cooling-off period, followed by “Self-Help.”

### **By voting yes, does this mean I will be going on strike?**

Voting yes for a strike does not mean we will actually go on strike, but it does mean we are willing to go on strike if necessary. As we have stated above, there are many steps to take before we actually strike and that the vast majority of strike votes result in a successful agreement prior to even striking. Additionally, by utilizing the CHAOS strike method, we limit the number of Flight Attendants actually striking while still putting maximum pressure on the company. Furthermore, we attempt to operate CHAOS by striking flights where Flight Attendants have volunteered to strike first.

However, to be clear, by voting for a strike, Flight Attendants are indicating they, we, are willing to strike if necessary.

### **What if the company threatens to discipline Flight Attendants for striking?**

AFA has a long history of defending our right to strike. If the company were to take action against any Flight Attendants for participating in CHAOS, AFA lawyers would immediately be in Federal Court to enjoin the company and get full back pay for the Flight Attendants. At Alaska Airlines, all striking Flight Attendants were returned to work with back pay. At other carriers, including Midwest Express, the threat of CHAOS proved so successful we were able to reach agreements before ever striking a flight.

## **Voting Q and A**

### **Am I Eligible To Vote in an Election?**

In order to be eligible to vote, you must be...

- Actively flying, or continuing to pay your dues each month while on a leave of absence
- Member of AFA
- In good standing as of day of the ballot count. (Your dues may not be more than 30 days in arrears. If you are in bad standing



and wish to vote please contact the AFA Membership Services Department at 800-424-2401, [ext. 706]

- A member of the base where election will be held

### **How can I be sure that my vote is protected?**

AFA is committed to providing the most secure and effective means for our members to vote. We do this by contracting with Votenet Solutions Inc, the leading provider of secure on- demand voting and balloting software and telephone voting for organizations including unions, membership associations, trade associations, and many other types of organizations. Votenet routinely goes through highly sophisticated vulnerability and penetration assessments to ensure that malicious scripts and hackers can't interfere with your vote.

Electronic balloting is simple and effective. It can be done over the phone or on-line through a computer. As long as you are an active member in good standing, your completed electronic vote will be counted.

### **How will I know that my vote has actually been cast?**

You will be issued a confirmation code. If you are voting over the phone, you may copy down the confirmation code for your records. If you are voting online, you may print the confirmation screen containing your code for your records.

### **Can anyone else see how I voted?**

No, no one has access to how you voted. Once you have cast your ballot it is sealed and cannot be viewed by anyone, including AFA.

### **Can I change my vote if I have already voted?**

No. Once you hit "submit," your vote is cast and you cannot re-vote.

### **Am I eligible to vote if I am on furlough or a leave status?**

All active AFA Members in good standing are considered eligible voters. "Active" means paying dues. The AFA Constitution and Bylaws provides that any Flight Attendant on an inactive status (voluntary furlough, leave of absence, etc.) may keep her/his AFA Membership active. In order to exercise this option, a Flight



Attendant may choose to place herself/himself on a “Leave and Remain Active” status with AFA. Contact the AFA Membership Services Department at 800-424-2401 [ext. 706], if you would like to use this option.

### **Can an Apprentice Member on probation vote?**

Flight Attendants do not become AFA members until they have four months of service. In short, you can vote if you have been a Hawaiian Flight Attendant for at least four months, even if you are still on probation, as long as you are in good standing. Flight Attendants who have been here fewer than four months are not eligible to vote. We encourage Flight Attendants in this situation to remain informed, ask questions and participate in our union. This is about the future of all Hawaiian Flight Attendants.



### **Do probationary Flight Attendants have the right to strike?**

Yes. In the event of an actual strike, probationary Flight Attendants have the same legal rights as everyone else and the full protection of the union. We encourage all members to support our newest flying partners – they are the future of our union and our careers. Let’s be sure they know how to get accurate information from our union and that they have the support and solidarity of all of their flying partners. Even though a Flight Attendant is on probation, the Company cannot legally discipline a probationary for voting to strike or for participating in a legal CHAOS strike.

# 2019 Hawaiian Airlines Strike Vote Voting Guide

## ***Steps to Vote by Telephone:***

1. Dial 1-888-488-7288.
2. Enter your Activation Code.
3. Write down your Username.
4. Create, confirm and write down your password, 4-number minimum.
5. Follow the prompts to cast your vote.
6. Write down your confirmation number.

## ***Steps to Vote by Internet:***

1. Go to:  
afacwa-elections.org and click the link "Click Here to VOTE."
2. Enter your activation code.
3. Write down your Username.
4. Create, confirm and write down your password, 8-number minimum.
5. Follow the prompts to cast your vote.
6. Print your confirmation.

## ***Important Voting Notes:***

- Remember, once your vote is cast, **you cannot change it**. Get all of your questions answered *before* you cast your vote.
- If you need a new Activation Code or technical assistance call the Ballot Help Line at 800-424-2401, press 1 and then ext. 706.
- The ballot help line is only open M-F, 0930 to 1500 ET.

*For more information, visit [AFAContract2017.org](http://AFAContract2017.org)*