

From: **Kirk Habib** <krhabib@sbcglobal.net>

Date: Wed, Jul 21, 2010 at 5:56 PM

Subject: Conditions and Restrictions

To: Merger@usairlinepilots.org

Dear Merger Committee Members:

I read with some satisfaction in recent USAPA updates that the Conditions and Restrictions were being revisited due to pilot outrage over what they dictate.

As you may or may not recall, the C and Rs were crafted to placate the AWA pilot so as they would not bring legal action against the Union. Obviously they were not placated and legal actions ensued which at this point seems to have been essentially completed.

I must ask the merger committee about the necessity of maintaining restrictions which will punish all east pilots and deny them upgrades in Phoenix before every AWA pilot there will have priority for said upgrades. Need I remind the merger committee that these pilots that will upgrade in Phoenix are DECADES junior to most of all our east first officers?

Historically, at least since I arrived at USAirways in 1988, there as not been regional and what are essentially lifetime fences for east F/Os put up around specific domiciles. I know I witnessed what was a massive influx of PSA pilots streaming into PIT after the PSA acquisition so that their F/Os could become instant Captains at my expense. It was strictly a date of hire protocol which I accepted. There were not any C and Rs which allowed me to upgrade before a PSA pilot in PIT simply because I was an USAir pilot which the C and Rs now allow for AWA pilots simply because they are AWA pilots in PHX.

Another disturbing fact is that the C and Rs were never voted on by the membership but simply imposed upon us by Richard Mowery. At the very least the east pilots need to have a chance to vote on this issue which is extremely important.

Given the fact that there is tremendous historical precedent in the past practice of unrestricted system bidding for upgrades based only on DOH, it would bode well for USAPA to adopt and conform to that past practice. The legal challenge from the west pilots has been successfully defended against, does USAPA really want a new legal challenge from now disgruntled east F/Os over the blockade against east pilot upgrades in PHX set up by their own Union?

Sincerely,

Kirk Habib
PHL AB 320 F/O
DOH 3/14/88