

President's Message

Tuesday, November 08, 2011



Fellow Pilots,

Contract Negotiations

Despite the many other issues that required our attention, your union has remained highly focused on the industry standard contract that we all deserve. We all know that Management has been more than content to delay a new contract as they enjoy bankruptcy-era wages now in their ninth year. Our plan to deal with that intransigence is rightfully the subject of constant scrutiny and reassessment, which at a minimum examines our goals, the people that we have in place to achieve those goals and the tactics and other resources that are being deployed.

Our goals were established by you in conjunction with the Board some time ago - an industry standard contract. Contrary to Mr. Parker's drum beat that US Airways operates at an economic disadvantage to our peers and that you therefore deserve something less than industry standard, our financial professionals have proven these assertions wrong. The Company does not operate at any financial disadvantage and, in many ways, outperforms its corporate peers. USAPA is currently in the process of demonstrating this point to the National Mediation Board (NMB) and we are confident that the NMB will fully understand the analysis.

We have a number of initiatives in place to continue our push for a fair contract:

- Your negotiating team is staffed with a blend of highly competent pilots who bring diversity of talent, opinions and experience to the table. They are executing the plan devised with your input to Board. That plan includes the use of our professional negotiator who is functioning exactly according to his own recommendations - he is assisting in strategy development, he participates vigorously at the bargaining table, and allows the pilot and consultant subject matter experts to argue specifics where his knowledge may not be as deep.
- We have maintained our relationship with the NMB. We first met with the NMB in November of 2009, when NAC Chairman Paul DiOrio, Professional Negotiator Scott Petersen

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and I met with the Board to advocate for the docketing of our case for mediation services. That effort was successful despite strong resistance from the Company. Since then, we have maintained our working relationship with the Board. We are working to set up a meeting soon to encourage the Board to understand our long term mire in bankruptcy wages (9 years), our very reasonable industry standard wage proposals and our insistence that the NMB fulfill its statutory obligation for the prompt and orderly resolution of disputes.

- Your Government Affairs Committee is working behind the scenes to create pressure in Washington by making our case for contract fairness to people capable of influencing the process and the *livelihood of corporate America*. Many on Capitol Hill care deeply about the plight of labor, understand the depth of the corporate greed that is at the root of our circumstances and have the ability and willingness to put pressure on the process.

Seniority Dispute

Regardless of the hyperbolic claims of those who could benefit from the weakening of your resolve to achieve a seniority integration that is respectful of a worker's history of service to a merged airline, we have proven one thing for certain - that an unratifiable bargaining proposal from a predecessor union remains something that moves none of us towards a practical, real world solution to the seniority issue. The Company's filing seeking a Declaratory Judgment (DJ case) in the Phoenix Court has been essentially dormant since its filing in July of 2010. The Judge in that case - Judge Roslyn Silver - now has the case scheduled for greatly increased activity in the coming weeks. Although our goal - a merged seniority list that respects the legitimate expectations of all of our pilots - remains unchanged, the Board's decision to assign new counsel and the reinvigoration of this dormant case affords us an opportunity to reevaluate our strategy and tactics with regard to accomplishing our goals in the most expeditious and efficient way possible.

I have called your Board into session this week to conduct a strategy session on the DJ case. I will be proposing a variety of bold initiatives that will alter strategy and tactics but will remain true to the objective that USAPA pilots believe in to our core. Immediately following this week's meeting, I will write to you to explain in detail these initiatives.

The Eastern District of New York Action

As you know, USAPA has filed an action the Eastern District of New York to hold the company

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accountable for its myriad violations of the Railway Labor Act (RLA). The complaint alleges that, over the last several years, the company has engaged in a course of conduct that not only violates the status quo provisions of the RLA, but also the rights of the Union and its individual members in the exercise of their rights under the Act. The company has made a motion to dismiss our action and our attorneys are in the process of answering that motion. Our counsel believes that our case is strong and that the company's motion to dismiss will be defeated. We expect that the court will ultimately vindicate our stance and enjoin the company from engaging in their continued violation of federal labor laws.

The Charlotte Action (Injunction)

While we were of course disappointed in Judge Conrad's decision, our counsel has asked him to amend his order so that any confusion or ambiguity regarding its terms can be removed. It continues to be USAPA's position that the ultimate decision making authority regarding the safety of the aircraft and the passengers must be solely at the pilot's discretion. In the interest of the safety of our members and the passenger public, we have asked the judge to amend his order to reflect language in his decision that recognizes the legitimate safety concerns of USAPA and its members and to eliminate any possibility as to confusion and conflict with Federal Aviation Regulations and the Flight Operations Manual, among other materials, regarding the supremacy of pilot judgment as to these matters. *Unfortunately the Company once again has demonstrated that legitimate safety concerns are secondary to its bottom line and has resisted our request to amend the order.*


While we disagree with the judge's decision, we have more than fully complied with his order and continue to urge our members not to engage in any action in violation of that order. We'll keep you informed as to the outcome of our motion to amend or any subsequent legal developments in the case.

In the end what does all this activity mean? It means that USAPA is taking deliberate and methodical actions and engaging the Company where and when necessary to optimize our goal of a legitimate industry standard contract. Whether in New York, Charlotte, Washington or Phoenix, USAPA has carried the fight to the Company. We are under no illusions - the struggle will be difficult and hard fought. The Company is on notice that USAPA pilots will not allow the rights of its members to be trampled upon. If we maintain our efforts together organizationally, legally, and politically we will be successful.

Sincerely,

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President Mike Cleary